United Nations A/61/1030–S/2007/505

General Assembly
Security Council

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23 August 2007

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General Assembly
Sixty-first session
Agenda items 17 and 27

Security Council
Sixty-second year

The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 17 August 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

In addition to the previous letters from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General of 5 July (A/61/991-S/2007/410), 9 July (A/61/1000-S/2007/422) and 23 July 2007 (A/61/1006-S/2007/452), I have the honour to draw your attention to the reaction of the international community to the so-called "presidential elections" held on 19 July 2007 in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan (see annex).

The following international organizations, the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the North Atlantic Treaty Organization, the Organization of the Islamic Conference, the European Union, the European Parliament and the Organization for Democracy and Economic Development-GUAM, as well as Australia, Canada, the People's Republic of China, France, Hungary, the Islamic Republic of Iran, Israel, Japan, Latvia, Morocco, Norway, Romania, Turkey, Ukraine and the United States of America condemned the above-mentioned matter, underlining that the legitimacy of such kinds of elections and their results, which disregard the principles and norms of international law, in particular territorial integrity and the inviolability of the frontiers of the Republic of Azerbaijan, cannot be recognized and do not have any legal effect.

At the same time so-called "municipal elections" in the Nagorno-Karabakh region of the Republic of Azerbaijan, which are going to be held in October 2007 are of the same type, "results" that will have no legal validity.

It is the strong belief of my Government that these "elections" are of a provocative nature and cannot be considered legal, nor will they contribute to the

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international mediation efforts aimed at the peaceful settlement of the conflict on the basis of the norms and principles of international law, including Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993). Any future elections can only be conducted under the jurisdiction of the Republic of Azerbaijan with the participation of both the Armenian and Azerbaijani communities of the Nagorno-Karabakh region of the Republic of Azerbaijan.

I should be grateful if the present letter and its annex were to be distributed as a document of the sixty-first session of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Ilgar **Mammadov**
Chargé d'affaires a.i.

Annex to the letter dated 17 August 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

Enclosure I

Ministry of Foreign Affairs of Romania

Press release

The Ministry of Foreign Affairs took note of the fact that on 19th of July, 2007, "presidential elections" took place in Nagorno-Karabakh. Romania does not recognize the independence of Nagorno-Karabakh, neither the legitimacy of this "poll", that should not have any consequences on the peaceful settlement of the Nagorno-Karabakh conflict.

It should be granted, also, the rights of refugees and Internally Displaced Persons, to return in full safety and dignity to their own houses, in order to take part totally to the voting process.

Ministry of Foreign Affairs reiterates the strong support for Minsk Group and for its co-chairs, as well as for their efforts, aimed to the settlement of the Nagorno-Karabakh conflict, and encourages the conflicting sides to intensify the efforts for identifying a negotiated solution of the conflict.

Enclosure II

Republic of Turkey
Ministry of Foreign Affairs

Press statement regarding the "presidential elections" in Nagorno-Karabakh*

16 July 2007

We learned that the so-called "Presidential Election" in the Armenian occupied Nagorno-Karabakh region of Azerbaijan is to be held on 19 July 2007, subsequent to the "Constitutional Referendum" held in the same region in a similar vein on 10 December 2006, in contravention of international law and disregarding the will of the international community.

This election is viewed as part of the efforts to unilaterally legitimize the unlawful situation in Nagorno-Karabakh, and is an explicit violation of the principles of international law, United Nations Security Council resolutions and the principles of the Organization for Security and Cooperation in Europe (OSCE).

The Nagorno-Karabakh conflict constitutes the most important impediment to the establishment of peace, stability and cooperation in the South Caucasus and prevents the creation of an environment conducive to good-neighbourliness and cooperation among the countries in the region. At a time when negotiations are being pursued within the OSCE Minsk Process to reach a peaceful settlement of the Nagorno-Karabakh conflict and the Azerbaijani-Armenian dispute, organizing a "Presidential Election" in the occupied Nagorno-Karabakh region obviously constitutes an initiative that challenges the efforts geared towards a peaceful resolution.

Within these considerations, Turkey denounces this renewed effort of Armenia to violate Azerbaijan's political unity, sovereignty and territorial integrity; and will not recognize the outcome of such illegitimate "Presidential Elections" that will have no binding effect whatsoever under international law.

* Unofficial translation.

Enclosure III

Embassy of Japan

The Embassy of Japan presents its compliments to the Ministry of Foreign Affairs of the Republic of Azerbaijan and has the honour to reaffirm the consistent position of the Government of Japan on the Nagorno-Karabakh conflict — it is important to settle the conflict in a peaceful way, based on a principle of the territorial integrity of the Republic of Azerbaijan within the internationally recognized borders.

Therefore, Japan shares the same concern expressed by the Organization for Security and Cooperation in Europe regarding the recent "presidential elections in the Nagorno-Karabakh".

The Embassy of Japan avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Baky, 24 July 2007

Ministry of Foreign Affairs
Baky

Enclosure IV

Ministry of Foreign Affairs of the Republic of Latvia

The Ministry of Foreign Affairs does not recognize the "presidential elections" held in Nagorno-Karabakh

20 July 2007

The Ministry of Foreign Affairs does not recognize the "presidential elections" held on 19 July 2007 in Nagorno-Karabakh nor their outcome.

The Ministry reiterates its support for the activities of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group and its efforts towards a settlement of the Nagorno-Karabakh conflict. The Ministry of Foreign Affairs considers that the conducting of the "presidential elections", thus pre-empting the outcome of the ongoing negotiations, did not contribute to peaceful conflict resolution.

Enclosure V

[Original: French]

Kingdom of Morocco
Ministry of Foreign Affairs and Cooperation

20 July 2007

The Ministry of Foreign Affairs and Cooperation presents its compliments to the Embassy of the Republic of Azerbaijan in Rabat, and has the honour to acknowledge receipt of its note dated 17 July and the statement attached thereto.

The Ministry has taken note of this statement and, reiterating its commitment to the territorial integrity of States as stipulated in Article 2, paragraph 4, of the Charter of the United Nations, calls on the parties involved in the conflict in Nagorno-Karabakh to return to the negotiating table in order to find a peaceful solution to this conflict in a spirit of good-neighbourliness and mutual respect, in accordance with the relevant Security Council resolutions, including resolution 853 (1993) of 29 July 1993 and resolution 884 (1993) of 12 November 1993.

These negotiations could prevent any unilateral actions and would allow the States in the region to safeguard their territorial integrity and to live in peace and security, in the interest of and for the good of the populations concerned.

Embassy of the Republic of Azerbaijan
Rabat

Enclosure VI

Organization for Security and Cooperation in Europe

Press release

23 July 2007

Elections in Nagorno-Karabakh should not have any impact on the peaceful settlement of the conflict, OSCE Chairman-in-Office says

MADRID 20 July 2007 — Efforts to resolve the conflict in Nagorno-Karabakh should not be hindered by the recent so-called "presidential elections" in the area, OSCE Chairman-in-Office, Spanish Foreign Minister Miguel Angel Moratinos, said today.

"The OSCE does not recognize the independence of Nagorno-Karabakh and therefore, these elections should not have any impact or any significance on the solution of the conflict", Minister Moratinos said.

The Chairman-in-Office reiterated his support to the efforts of Co-Chairmen of the Minsk Group to facilitate a peaceful settlement in the Nagorno-Karabakh conflict.

Enclosure VII

Remarks of the spokesman of the Ministry of Foreign Affairs of China, Liu Jianchao, on the election in the Nagorno-Karabakh region

23 July 2007

Question: The Nagorno-Karabakh region held "presidential election" on 19 July. What is your comment?

Answer: The Chinese Government respects the independence, sovereignty and territorial integrity of the Republic of Azerbaijan and supports the resolutions of the United Nations Security Council on the Nagorno-Karabakh region. China hopes that the relevant parties can find a proper solution in line with universally recognized international law at an early date. China is ready to continue making constructive efforts with the international community to this end.

Enclosure VIII

[Original: French]

Statement by the spokesperson for the French Ministry of Foreign and European Affairs

Paris, 19 July 2007

Nagorno-Karabakh

In connection with the so-called "presidential elections" held on 19 July by the authorities of the self-proclaimed Republic of Nagorno-Karabakh, France reiterates that, like all members of the international community, it does not recognize Nagorno-Karabakh as an independent state. The outcome of such a vote, even if it allows the community with de facto control over Nagorno-Karabakh to organize itself, should not be recognized as prejudging the future legal status of the region.

The final status of Nagorno-Karabakh may be determined only as a result of political negotiations between all parties to the conflict and involving all communities, within the framework of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, co-chaired by France, the United States of America and the Russian Federation, which has proposed the basic principles for a peaceful and equitable settlement of the conflict.

Any unilateral action aimed at predetermining the future status of Nagorno-Karabakh, or any threat of use of force to obtain this, will merely serve to place additional obstacles in the path of the ongoing negotiations.

Enclosure IX

Ministry of Foreign Affairs of Hungary

Note verbale

The Ministry for Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the Republic of Azerbaijan and, with reference to the esteemed Embassy's Note 1141/07 dated 4 July 2007 has the honour to confirm Hungary's principal position in connection with unilateral acts of one of the players of a conflict.

According to Hungary's firm position, unilateral acts like the "presidential election" in Nagorno-Karabakh undermine the confidence desperately needed between the conflicting sides for the peaceful resolution of the conflict. These acts, which disregard the territorial integrity and the wish of a considerable part of the population inhabiting the territory in question, cannot be recognized as legal. Therefore Hungary, as in the previous cases, will recognize neither the "election" itself, nor its results.

Budapest, 11 July 2007

Enclosure X

[Original: Russian]

Excerpts from the "Day.Az" news forum (www.day.az)

Norwegian Ambassador says "presidential elections" in Nagorno-Karabakh not recognized by Norway

19 July 2007

Mr. Jon Ramberg, Norwegian Ambassador to Azerbaijan, has said that the Kingdom of Norway does not recognize the outcome of the "presidential elections" in Nagorno-Karabakh, adding that his country does not consider those "elections" to be legal.

The Parliamentary Assembly of the Council of Europe (PACE), the Georgia, Ukraine, Azerbaijan, Moldova Group (GUAM), the European Commission Special Representative to Azerbaijan, the United States of America, Turkey and other countries had declared earlier that they did not recognize the outcome of the "presidential elections" held by Armenian separatists on occupied Azerbaijani territory.

"Presidential elections" in Nagorno-Karabakh not recognized by Iran

21 July 2007

The Islamic Republic of Iran does not recognize the separatist elections held in Nagorno-Karabakh on 19 July, according to Mr. Medzhid Feizullakhi, Press Attaché of the Embassy of Iran in Azerbaijan.

Mr. Feizullakhi announced that the position of the Islamic Republic of Iran was clear: it recognized the territorial integrity of the Republic of Azerbaijan.

"We call upon all countries of the world to do likewise", the Iranian diplomat added.

Recalling that the head of the Iranian foreign policy department, at the time of the previous separatist elections in Nagorno-Karabakh, had referred to the illegality of such steps being taken by the leadership of the separatist regime in the Nagorno-Karabakh region of the Republic of Azerbaijan, he called on the international community to support Azerbaijan with respect to that issue.

Elections in Nagorno-Karabakh also not recognized by Australia, Canada, Japan and Israel

21 July 2007

Our "day.az" correspondent has been informed by officials at the Australian Embassy in Ankara that Canberra does not officially recognize the "presidential elections" held in Nagorno-Karabakh and that it supports the territorial integrity of Azerbaijan. The Embassies of Canada and Turkey have also expressed the same position.

Meanwhile, the Japanese and Israeli Embassies in Baku have also condemned the holding of the so-called "presidential elections" in Nagorno-Karabakh.

We should note that this is the first time in the long years of the Nagorno-Karabakh conflict that Baku has officially received such support from the international community. These elections had already been condemned by the United States of America, the European Union, the North Atlantic Treaty Organization (NATO), OSCE, GUAM and other international organizations.

Elections in Nagorno-Karabakh also not recognized by NATO

20 July 2007

NATO spokesman Mr. James Appathurai has delivered a statement in Brussels declaring that NATO does not recognize the outcome of the presidential elections held yesterday in Nagorno-Karabakh, "Svoboda" radio station reports.

The NATO spokesman said that his organization was aware that so-called presidential elections had been held on 19 July and that, like other international organizations and institutions, NATO did not recognize the outcome of the presidential elections in Nagorno-Karabakh, or any elections held there.

"Presidential elections" held in Nagorno-Karabakh not recognized by United Nations

24 July 2007

The United Nations does not recognize the so-called "presidential elections" held in Nagorno-Karabakh, according to Mr. Bruno Pueza, United Nations Resident Coordinator in Azerbaijan.

Mr. Pueza stated that the position of the United Nations with regard to Nagorno-Karabakh remained unchanged: the United Nations did not recognize the body referred to as the Government of the Nagorno-Karabakh Republic and it respected the territorial integrity of Azerbaijan. He also said that the Government of Azerbaijan had submitted a communiqué on the "elections" to the United Nations General Assembly for discussion.

"Presidential elections" held in Nagorno-Karabakh not recognized by Ukraine

20 July 2007

Mr. Stepan Volkovetsky, Ambassador Extraordinary and Plenipotentiary of Ukraine in Azerbaijan, has said that his country does not recognize the separatist elections held in Nagorno-Karabakh on 19 July, ANS television channel reports.

The Ukrainian diplomat said that the Ukrainian Government and people recognized the territorial integrity of the Republic of Azerbaijan and emphasized that nothing would change that position.

United States Department of State has declared that it does not recognize the "presidential elections" held in Nagorno-Karabakh: (updated)

20 July 2007

The Department of State has issued a statement on the illegal "presidential elections" held in Nagorno-Karabakh.

13:00 hrs

Joanne Moore, a spokeswoman for the Department of State, said that the United States recognized the territorial integrity of Azerbaijan and would leave the question of the future status of Nagorno-Karabakh to be resolved by the parties to the conflict.

Ms. Moore stated that neither the United States nor any other country of the world recognized Nagorno-Karabakh as an independent state. Furthermore, Washington did not officially recognize the "presidential elections" held by the separatist regime on 19 July and it did not believe that the holding of those "elections" would have any impact on successful negotiations for a peaceful settlement of the conflict.

Ms. Moore expressed the hope that the Presidents of Azerbaijan and Armenia would soon reach an agreement which, in turn, would open the way for a draft comprehensive peace agreement to be drawn up.

11:24 hrs

Mr. Chase Beamer, Press Officer in the State Department's Bureau of European and Eurasian Affairs, expressed the hope that the holding of the "elections" would not have any impact on negotiations for a peaceful settlement of the conflict.

Mr. Beamer said that the United States did not recognize Nagorno-Karabakh or the holding of "elections" there. The United States respected Azerbaijan's territorial integrity and, along with other co-chairs of the OSCE Minsk Group, would make efforts to search for a peaceful solution to the conflict, in cooperation with the Government of Azerbaijan.

He hoped that the Presidents of Armenia and Azerbaijan would reach an agreement on basic principles as soon as possible, which would pave the way for the establishment of a comprehensive peace agreement.

United Nations S/2007/506

Security Council

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23 August 2007

Original: English

Belgium, France, Italy, Peru, Slovakia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on Lebanon, in particular resolutions 425 (1978), 426 (1978), 1559 (2004), 1680 (2006) and 1701 (2006), as well as the statements of its President on the situation in Lebanon, in particular the statement of 3 August 2007 (S/PRST/2007/29),

Recalling also the report of the Secretary-General of 28 June 2007 (S/2007/392) and the letter from the Secretary-General to its President of 2 August 2007 (S/2007/470),

Reaffirming its strong commitment to the sovereignty, territorial integrity, unity and political independence of Lebanon within its internationally recognized borders and under the sole and exclusive authority of its Government,

Reiterating its strong support for full respect for the cessation of hostilities and the Blue Line in its entirety,

Reaffirming its attachment to the full implementation of all provisions of resolution 1701 (2006), and *aware* of its responsibilities to help secure a permanent ceasefire and a long-term solution as envisioned in the resolution,

Emphasizing the need to address the causes of the conflict, including that the abducted Israeli soldiers have not been released, nor has proof of life been provided, and calling once again for their immediate and unconditional return,

Encouraging the efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel,

Welcoming the steps taken by the Government of Lebanon to extend its authority over its territory, through its own legitimate armed forces, such that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon, and *encouraging* it to continue its efforts in this regard,

Welcoming also the tripartite arrangements referred to in the aforementioned report, and *encouraging* the parties to coordinate further with the United Nations Interim Force in Lebanon (UNIFIL), notably to visibly mark the Blue Line and reach an agreement on the northern part of Ghajar,

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Condemning in the strongest terms all terrorist attacks against UNIFIL and *emphasizing* the need for further coordination between UNIFIL and the Lebanese Armed Forces in particular regarding the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL, and for UNIFIL to enhance its investigative capacities in response to these attacks,

Underlining the importance of continued efforts to clear unexploded ordnance from southern Lebanon and calling on all parties to support these efforts,

Reaffirming UNIFIL's authority to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind and to resist attempts by forceful means to prevent it from discharging its mandate,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel,

Commending the active role and dedication of the personnel of UNIFIL, notably of its Commander, as well as of the Special Coordinator of the United Nations for Lebanon,

Expressing its strong appreciation to Member States that contribute to UNIFIL and underlining the necessity that UNIFIL have at its disposal all necessary means and equipment to carry out its mandate,

Responding to the request of the Government of Lebanon to extend the mandate of UNIFIL for a new period of one year without amendment presented in the letter from the Lebanese Prime Minister to the Secretary-General of 25 June 2007 (S/2007/396),

Determining that the situation in Lebanon continues to constitute a threat to international peace and security,

1. *Decides* to extend the present mandate of UNIFIL until 31 August 2008;

2. *Commends* the positive role of UNIFIL, whose deployment together with the Lebanese Armed Forces has helped to establish a new strategic environment in Southern Lebanon, and *looks forward* to its increased cooperation with the LAF in the discharge of its mandate;

3. *Calls upon* all parties concerned to respect the cessation of hostilities and the Blue Line in its entirety;

4. *Urges* all parties to cooperate fully with the United Nations and UNIFIL and to abide scrupulously by their obligation to respect the safety of the UNIFIL and other United Nations personnel, including by avoiding any course of action which endangers United Nations personnel and by ensuring UNIFIL is accorded full freedom of movement within its area of operation;

5. *Calls upon* all parties to cooperate fully with the Security Council and the Secretary-General to achieve a permanent ceasefire and a long-term solution as envisioned in resolution 1701 (2006), and *emphasizes* the need for greater progress in this regard;

6. *Reiterates* its intention to consider further steps to contribute to the implementation of a permanent ceasefire and a long-term solution;

7. *Welcomes* the efforts being undertaken by UNIFIL to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

8. *Requests* the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006) every four months, or at any time as he deems appropriate;

9. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 1515 (2003) of 19 November 2003;

10. *Decides* to remain actively seized of the matter.

United Nations S/2007/507

Security Council

Distr.: General
24 August 2007
English
Original: French

Letter dated 22 August 2007 from the Secretary-General addressed to the President of the Security Council

Recent events in Gaza and the West Bank make it more urgent than ever to move forward with the search for peace in the Middle East. The Quartet, comprising the United Nations, the European Union, the Russian Federation and the United States of America, recently reaffirmed its goal of promoting an end to the conflict in accordance with the road map and expressed its intention to step up its efforts in that regard.

The urgency of recent events has made it even more necessary for the international community, bearing in mind the obligations of the parties, to help the Palestinians as they build the institutions and economy of a viable State in Gaza and the West Bank that is able to take its place as a peaceful and prosperous partner, at peace with Israel and its other neighbours.

In order to facilitate efforts to achieve these objectives, on 27 June 2007 the Quartet announced the appointment of Tony Blair as the Quartet Representative. His mandate is to:

(a) Mobilize international assistance to the Palestinians, working closely with donors and the existing coordination bodies;

(b) Help identify and secure the international support needed in order to address the institutional governance needs of the Palestinian State, focusing as a matter of urgency on the rule of law;

(c) Develop plans to promote Palestinian economic development, including private sector partnerships, by building on previously agreed frameworks, especially concerning access and freedom of movement; and

(d) Liaise with other countries, as appropriate, in support of the agreed Quartet objectives.

As Representative, Mr. Blair will bring continuity and intensity of focus to the Quartet's efforts in support of the Palestinians, within the framework of its efforts to promote an end to the conflict in accordance with the road map.

It is envisaged that as from 1 September 2007, he will spend significant time in the region, working with the parties and with others to help create viable, lasting government institutions representing all Palestinians, as well as a robust economy and a climate of law and order for the Palestinian people.

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The members of the Quartet have agreed that an office of the Quartet Representative will be established in Jerusalem. The Quartet Representative will be assisted in his work by a small team of experts seconded by partner countries and institutions.

The Quartet has encouraged robust international support for the Representative's efforts. In the context of Security Council resolution 1515 (2003), in which the Council endorsed the Quartet's road map and encouraged the diplomatic efforts of the Quartet and others, I would be grateful if you could confirm the Council's support for the proposed arrangements. In view of the urgent nature of Mr. Blair's mission, it would then be my intention to proceed swiftly with the provision of logistical, technical and financial assistance in support of his mandate.

(*Signed*) **Ban** Ki-moon

United Nations S/2007/508

Security Council

Distr.: General
24 August 2007
English
Original: French

Letter dated 24 August 2007 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter of 22 August 2007 (S/2007/507) concerning the activities of the Quartet, including the mandate of its representative, Mr. Tony Blair, and the establishment and functioning of its Jerusalem office, has been brought to the attention of the members of the Security Council. They have taken note of the arrangements that you proposed in your letter.

(*Signed*) Pascal **Gayama**
President of the Security Council

07-48958 (E) 240807 240807

United Nations S/2007/509

Security Council

Distr.: General
27 August 2007
English
Original: French

Letter dated 22 August 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission for the Referendum in Western Sahara (MINURSO), established on 29 April 1991 pursuant to Security Council resolution 690 (1991).

Following the usual consultations, it is my intention to appoint Division General Zhao Jingmin (China) to the post of Force Commander of MINURSO. General Zhao will replace General Kurt Mosgaard (Denmark), who will relinquish the post on 27 August 2007.

I would be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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United Nations S/2007/510

Security Council

Distr.: General
27 August 2007
English
Original: French

Letter dated 27 August 2007 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 22 August 2007 (S/2007/509), in which you stated your intention to appoint Division General Zhao Jingmin (China) to the post of Force Commander of the United Nations Mission for the Referendum in Western Sahara, has been brought to the attention of the members of the Council and that they have taken note of it.

(*Signed*) Pascal **Gayama**
President of the Security Council

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United Nations A/61/1032–S/2007/511

General Assembly
Security Council

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28 August 2007
English
Original: Arabic

General Assembly
Sixty-first session
Agenda items 13 and 66

Security Council
Sixty-second year

The situation in the Middle East

Right of peoples to self-determination

Letter dated 27 August 2007 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Further to my note dated 3 July 2007 regarding the inhumane prison conditions being suffered by the Syrian prisoner Bishr al-Maqat and his fellow prisoners in Israeli prisons, I am writing to you concerning the note from the Permanent Representative of Israel to the United Nations dated 25 July 2007 (A/61/1014-S/2007/463).

Israel's claims concerning the state of health of the prisoner Bishr al-Maqat are, as usual, false and without any basis in fact. Israel did not do anything for 19 days following the issuance of this delegation's note of 3 July 2007 (A/61/963–S/2007/406), and permitted a doctor from the International Committee of the Red Cross (ICRC) to visit him only on 22 July 2007, which is why the Israeli representative did not mention any precise dates or previous visits by an ICRC doctor. This has been confirmed by the information we have obtained from the ICRC representative in Damascus to the effect that a Red Cross doctor visited the Syrian prisoner on 22 July 2007 after learning of his state of health from his family, who requested a Red Cross representative to arrange a visit for them to check on their son's health condition. In other words, doctors' visits were not permitted at all, or occurred rarely and at long intervals. The health of prisoner Maqat (who has been imprisoned for 22 years) has been poor for a long time. We communicated our concerns about his state of health months ago to the Secretary-General and his personal envoy to the Middle East, Mr. Michael Williams. The Representative of Israel should ask his Government to provide him with accurate information, not false information intended to distort the facts and mislead the international community. He should take care to be accurate and truthful and give precise dates when addressing a letter to the Secretary-General that purports to deny the charges in our letter. Otherwise, his letter would seem to be intended merely to deceive the international community.

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My country's delegation calls on you, and through you on the United Nations and its relevant organs, to apply pressure on Israel to allow representatives of the Red Cross to visit prisoner Maqat accompanied by doctors qualified to provide the necessary treatment immediately and perform a surgical procedure on him under the supervision of the ICRC. The catheterization he has already undergone targeted two arteries, but there is still a third blocked artery that is not functioning. This has been confirmed by medical reports as well as by the prisoner's family.

My country's delegation asks for visits by Red Cross representatives to follow up on the prisoner's state of health to be made periodically and regularly, and not just when the subject is raised by us in the media or at the United Nations. This would be in accordance with the 1949 Geneva Conventions and treaties on prisoners of war and civilian persons living under occupation. We recall that it was just such inhumane prison conditions and failure by the occupation authorities to provide timely medical treatment to Syrian prisoners that led to the death of the Syrian prisoner Hayil Abu Zayd in 2005.

In view of the foregoing, the Government of the Syrian Arab Republic stands ready to provide the necessary treatment to prisoner Bishr al-Maqat at its own expense in any other country to which he might be transferred.

My country's delegation wishes the present letter to be circulated as a document of the General Assembly under agenda items 13 and 66, and of the Security Council.

(*Signed*) Bashar **Ja`afari**
Ambassador
Permanent Representative

United Nations A/ES-10/398–S/2007/512

General Assembly
Security Council

Distr.: General
29 August 2007

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-second year

Identical letters dated 27 August 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

It is my profound regret to inform you that Israel, the occupying Power, continues to escalate its brutal campaign of military aggression against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, in grave violation of international law, including international humanitarian law and human rights law.

For the eighth day in a row, Israeli occupying forces continue to carry out air and artillery raids and attacks against the Palestinian people throughout the Occupied Palestinian Territory, terrorizing the civilian population and endangering the lives of hundreds of people, including women, children and the elderly. These indiscriminate military assaults have resulted in the death and injury of many Palestinian civilians, exacerbating the tense situation on the ground and deepening the humanitarian crises being faced by the Palestinian people.

Since our last letter to you on 22 August 2007 (A/ES-10/397-S/2007/504), at least 11 Palestinians have been killed by Israeli occupying forces in separate incidents throughout the Occupied Palestinian Territory. Today, Israeli occupying forces opened indiscriminate fire on a Palestinian farmer, Fareed Abu Dhaher, who was tending to his agricultural land in the Al-Bureij Camp located in the centre of the Gaza Strip, killing him instantly. Yesterday, in the West Bank town of Jenin, an Israeli death squad opened fire onto a car, killing two of the passengers and injuring four others. Also, in a separate incident yesterday in the town of Beit Lahia in northern Gaza, Israeli occupying forces opened fire indiscriminately onto a group of young men, killing two teenagers, Mostafa Adnan Nasr, aged 17, and Hammam Ahmad Nasr, aged 18. These incidents followed the killing by Israeli occupying forces on Friday, 24 August 2007, of Mahmoud Al-Qirnawi, a 13-year-old boy from the Israeli town of Rahat who was visiting his mother's family in the occupied West Bank town of Tulkarem. Tariq Milhem was also killed in the same attack. The

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above-mentioned tragic events raise the total number of Palestinians killed over the past week to 27, including seven children.

The onus is now on the international community to fulfil its obligations towards international law, particularly the provisions of the Fourth Geneva Convention, by condemning these illegal and inhumane Israeli practices, as well as taking firm and immediate action to compel Israel, the occupying Power, to cease its military attacks and aggression in the Occupied Palestinian Territory, including East Jerusalem. This military aggression and criminal negligence constitute a true and credible threat against the genuine efforts now exercised towards peace, and they put into question the intentions and commitment of the Israeli Government towards peace.

Moreover, it is important to convey to you, once again, Israel's consistent exhibition of utter disregard for the lives of the thousands of Palestinians it detains. This systematic and discriminatory policy is a common practice by the Israeli prison authorities, employing medical negligence and ill-treatment as one of the many means of torture illegally used against these detainees. Instead of fulfilling their obligations towards international humanitarian law, Israeli prison authorities have exercised deplorable medical negligence towards dozens of Palestinian detainees, refraining from providing sick detainees with appropriate medical attention and treatment, resulting in the death or permanent injury, of scores of detainees. The last such case was the tragic death of Palestinian detainee Omar Eid al-Mesalemeh, on 25 August. His death brings to 191 the number of Palestinians who died inside Israeli jails and detention centres, including 46 from medical negligence. This inhumane practice amounts to a war crime, repeated in the light of the absence of any international deterrence, namely, the unfortunate prevalent international silence towards these tragic deaths, brought about by the racist and illegal practice of a belligerent occupation. It is incumbent upon the international community to ensure that Israel, the occupying Power, scrupulously abides by international law in actions not words, which would necessarily mean a fundamental change in its deplorable practices against Palestinian detainees.

This letter is in follow-up to our previous 293 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 22 August 2007 (A/ES-10/397-S/2007/504), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

In follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you on 22 August 2007, at least 11 more Palestinian civilians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 4,665. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I should be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

Annex to the identical letters dated 27 August 2007 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (from Thursday, 23 August, to Monday, 27 August 2007)

Thursday, 23 August 2007

1. Ahmad Sa'eed Abu Jabal

Friday, 24 August 2007

2. Sameer Mohammad Asfour
3. Mahmoud al-Qirnawi (13)
4. Tariq Milhem

Saturday, 25 August 2007

5. Hammam Ahmad Nasr (18)
6. Mostafa Adnan Nasr (17)
7. Khedr Maher Ali Oakal
8. Mohammad Rajab Saqr
9. Afaa' Abu al-Sa'eed
10. Mostafa Nader Ateeq

Monday, 27 August 2007

11. Fareed Abu Dhaher

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* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 4,665.

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Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 27 January to 20 August 2007)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1745 (2007), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2008 and requested me to keep it regularly informed of developments on the ground. It covers major developments in Timor-Leste and the implementation of the Mission's mandate since my report of 1 February 2007 (S/2007/50).

2. As of 20 August 2007, UNMIT consisted of a civilian component comprising 321 international staff (113 women), 824 national staff (140 women) and 1,635 police officers (94 women); and 34 military liaison and staff officers (1 woman). My Special Representative, Atul Khare, continued to lead the Mission and to coordinate with all United Nations system actors. He was assisted by two Deputy Special Representatives: Eric Tan Huck Gim for Security Sector Support and Rule of Law; and Finn Reske-Nielsen for Governance Support, Development and Humanitarian Coordination.

II. Political developments since February 2007

A. Support for dialogue and reconciliation

3. The three rounds of elections in Timor-Leste concluded in June, characterized by high voter participation of 80 to 82 per cent (47 to 48 per cent for women), a generally calm security environment and results widely accepted by all political actors, demonstrated that there has been considerable progress in dialogue and reconciliation since the April-May 2006 crisis. During the electoral process, whenever divergences between candidates and parties arose, as they did over the parliamentary election date and the use of party symbols on the presidential ballot, these were settled through dialogue and within established legal frameworks. As a result of these elections, former Prime Minister José Ramos-Horta was sworn in as the new President on 20 May, succeeding Kay Rala Xanana Gusmão, and the new 65-member Parliament was inaugurated on 30 July, with 7 of the 14 parties/coalitions gaining seats: Frente Revolucionária de Timor-Leste Independente (Fretilin), 21 seats;

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Congresso Nacional de Reconstrução de Timor-Leste (CNRT), 18 seats; Associação Social Democrática Timorence/Partido Sosial Democratico (ASDT/PSD), 11 seats; Partido Democratico (PD), 8 seats; Partido Unidade Nacional (PUN), 3 seats; Partido Unidade Nacional Democrática da Resistência Timorense (UNDERTIM), 2 seats; and Klibur Oan Timor Asuwain/Partido Povo Timor (KOTA/PPT), 2 seats.

4. With no party winning an absolute majority of seats, the process of forming a new Government was a major challenge. Both Fretilin and the Alliance for a Parliamentary Majority (AMP), formed after the elections and comprising CNRT, ASDT/PSD and PD, interpreted relevant articles of the Constitution as giving them the right to nominate the Prime Minister. Over several weeks following the 30 June elections, President Ramos-Horta held a series of consultations and urged both sides to agree to an inclusive Government. On 30 July, the new Parliament elected its President, nominated by AMP; other members of the parliamentary bureau, also nominated by AMP, were elected the following day. On 6 August, President Ramos-Horta invited AMP to form the new Government. On 8 August, CNRT President Xanana Gusmão, proposed by AMP, was sworn in as Prime Minister, together with 10 ministers (including 2 women) and 14 vice-ministers and secretaries of state. In a 7 August statement to Parliament, Fretilin announced that it considered that AMP had no legal basis and was unconstitutional; therefore Fretilin did not accept the President's decision. Fretilin also announced that it would temporarily suspend its participation in the Parliament in order to explain its position to its electorate. However, Fretilin members have now resumed participation in the Parliament.

5. Political parties agreed in principle on the need for moderate political statements during the campaign period and increasingly presented party platforms and policies to appeal to voters, although criticism of competing parties remained prominent. When potentially divisive issues arose, the UNMIT leadership assisted in finding a solution acceptable to all, as in the case of the compromise reached on the parliamentary election date. The Committee on High-Level Coordination met regularly to coordinate, as mandated, the activities of UNMIT and the Government, and proved to be a valuable forum for collaboration and consensus-building. Throughout the electoral period, the Committee members engaged in constructive discussions on various aspects of the elections and reached consensus on ways to improve the process, including on needed amendments to electoral legislation, the adoption of a political party accord and various codes of conduct, and a constructive post-electoral role for the opposition.

6. My Special Representative also held regular joint meetings with the political parties, which provided them with useful opportunities for dialogue with UNMIT and among themselves. Other international partners offered their support for dialogue and electoral initiatives, including the Club de Madrid, the Global Leadership Foundation and high-level electoral observer delegations from Australia, Brazil, Indonesia, Japan, New Zealand, South Africa, the European Union and the Community of Portuguese-speaking Countries.

7. UNMIT facilitated a national political party accord which was signed by all registered political parties on 25 May, before the parliamentary election campaign commenced, along with a code of conduct formulated by the National Electoral Commission. The code of conduct mainly related to candidate and party behaviour during the electoral campaign, while the complementary accord consisted of commitments to condemn all forms of violence, adhere to principles of good

governance and ensure a meaningful role for the opposition in Parliament after the elections. During the course of the electoral process, the Mission's regular meetings with the political parties provided an important forum for discussing election-related issues. These meetings will continue, including with those parties that did not obtain seats in Parliament but together received around 10 per cent of the votes. UNMIT also facilitated district-level political accords and community dialogues in specific districts where there had been security problems. In addition, numerous dialogue initiatives emerged in communities that experienced security problems during the electoral process, reflecting the desire of the Timorese people to settle conflicts peacefully. UNMIT is supporting President Ramos-Horta's initiative to establish a structure of ongoing national community-led dialogue, and efforts are under way to reinvigorate the Government-led *Simu Malu* ("to receive each other") community dialogue programme.

8. The overall positive impact of the efforts to bring the divergent political forces in Timor-Leste together, originating primarily from the body politic itself, and partly facilitated by my Special Representative, demonstrates the strong will of the political leaders and civil society to move beyond the divisions that affected the country in 2006. However, with the persisting political divides confronting the new Parliament and Government at this critical juncture, it is apparent that democratic processes and culture, while growing in strength, still need to be nurtured and supported.

9. Elections are a fundamental step in consolidating democracy, but only an initial one. While the elections brought the political leadership into competition within democratically sanctioned processes, the announcement of the new Government triggered public disturbances resulting in significant property damage but no loss of life. Further, the new Government, Parliament and President will be faced with a wide range of complex issues that would challenge even parliamentarians and ministers working within robust institutions with well-established norms and traditions. The country needs assistance in developing the capacities necessary to build on security and democratic gains achieved thus far. Many of the challenges relating to the 2006 crisis remain unresolved, such as perceived or real divisions between easterners and westerners, the grievances of the nearly 600 "petitioners" of the Timorese armed forces (see S/2006/628, para. 3), youth gang violence and the situation of internally displaced persons. These are intertwined with the serious economic and social challenges faced by Timor-Leste as a least developed country. The Government will face a delicate balancing act in addressing more immediate problems stemming from last year's crisis while guaranteeing public security and ensuring that effective socio-economic programmes are put in place to tackle long-term issues such as poverty and its associated deprivations.

B. Support for the electoral process

10. Within the reporting period, the Timorese authorities successfully carried out the legal, operational and logistical processes necessary for the elections. The Government's Technical Secretariat for Electoral Administration discharged these responsibilities with support from more than 160 United Nations Volunteers throughout the country. The Technical Secretariat conducted two updates of its voter registration list and organized two rounds of presidential elections on 9 April and 9 May

and the 30 June parliamentary election. Each required voter education programmes in every village, the training of over 4,000 polling officials and a nationwide logistics plan for the distribution and retrieval of sensitive electoral materials. UNMIT provided key legal advice and support for the drafting of electoral regulations, procedures and codes of conduct. Assistance by the Mission enabled the Technical Secretariat to complete the voter registration update and to issue more than 10,000 identification documents for electoral staff, party agents and observers.

11. UNMIT support was crucial for the National Electoral Commission to accomplish its mandate of supervising the electoral process, barely six months after its establishment in January 2007 with limited national capacity. The Commission fielded four officials, supplemented by three United Nations Volunteers, in each of the country's districts to supervise the work of the Technical Secretariat. UNMIT advisers also provided legal advice to the Commission on best legislative practices; analysed and gave recommendations on complaints; drafted internal regulations and procedures; prepared legal opinions on various election-related issues; and advised the Commissioners in their decision-making meetings. The Mission continues to advise on the establishment of the Commission's archives and capacity-building activities for the near and medium term.

12. UNMIT provided logistical support during various stages of the electoral process, including support for the travel of electoral officials to Indonesia to oversee various ballot production processes. UNMIT also assisted all political parties in travelling to the isolated district of Oecussi for campaign activities. The Government conducted the distribution and recovery of electoral materials with significant UNMIT support, including vehicles and helicopter airlift to inaccessible areas. Additional support was provided by the international security forces deployed to Timor-Leste by Australia and New Zealand. As a result, all 504 polling centres in the presidential elections and 520 polling centres in the parliamentary election were able to open on time, except for three remote locations cut off by heavy rain during the parliamentary election, which opened a few hours late. As requested by the Timorese authorities, UNMIT ensured the integrity of the electoral process by having its police provide continuous accompaniment of the ballots from the time of delivery to Timor-Leste to the final counting and tabulation. Party agents were also allowed to accompany the ballot boxes during transportation, contributing to the transparency of the process and acceptance of the results.

13. In parallel to these processes, UNMIT endeavoured through its good offices to ensure that the elections exercise was participatory, constructive, and non-violent. The political party accord and the code of conduct of the National Electoral Commission, as well as the discussion process leading to their adoption, played a significant role in minimizing political disturbances during the electoral period. UNMIT and United Nations agencies supported several initiatives to ensure an inclusive approach to the elections. The United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP) tailored components of the voter education programme to address women voters. With support from UNIFEM, a Timorese women's organization monitored political party programmes to assess commitments to women's rights and gender equality, and offered support to women in political parties, resulting in the signing of a women's political platform by 12 of the parties. One of the eight presidential candidates was a woman, and one of the 16 parties competing in the parliamentary election, which won three seats, was led by a woman. Eighteen of the 65 elected

Parliament members are women. UNDP maintained close cooperation with civil society organizations in promoting broad citizen participation. Dedicated political party resource centres were established in Baucau, Maliana, Oecussi and Dili and used by around 2,000 party members, who praised them as an important support mechanism, and training was also provided. In addition, UNDP provided 2,250 national and 500 international observers with briefings and logistical assistance.

14. The Independent Electoral Certification Team (see S/2007/50, para. 17) undertook eight visits to Timor-Leste during the electoral processes and made a number of observations in its publicly available reports. In line with the Team's recommendations, UNMIT proposed a number of amendments to electoral legislation, several of which were adopted by Parliament. In its final report, the Team concluded that the majority of the benchmarks underpinning the certification exercise were either fully or partially met. In areas where benchmarks were considered unmet, the Team made a number of recommendations to improve the conduct of future elections, including measures to guarantee the independence of the electoral authorities and consolidation of the legal framework. These will be pursued by UNMIT as part of its continuing support for the electoral process, the Technical Secretariat for Electoral Administration and the National Electoral Commission.

III. Restoration and maintenance of public security

A. Security developments

15. The mandated task of interim law enforcement continued to be the priority for UNMIT police throughout the critical electoral period. UNMIT police strength increased from 1,318 on 1 February to 1,641 by the end of July, of whom 991 officers (including 140 in Malaysian formed police units and 210 in Portuguese formed police units) were deployed in Dili and 633 were deployed to other districts (including 142 in Bangladeshi formed police units to Baucau and 140 in Pakistani formed police units to Bobonaro).

16. The increased UNMIT police presence, together with that of the Timorese national police and the international security forces, was instrumental in reducing the number of security incidents throughout the country, owing to augmented police response capability as well as the deterrent effect of this enhanced presence on would-be perpetrators. Dili remained the most troublesome district, but violent incidents also occurred in the districts of Viqueque, Ermera and Bobonaro during the electoral period. There were occasional spikes in violence attributable to the rice shortage in the second half of February and to the attempt by the international security forces to capture prison escapee and deserting military police commander Alfredo Reinado in early March (see S/2007/50, para. 10). Another sudden increase in violent disturbances occurred after the announcement of the new Government on 6 August. Overall, however, there was a visible improvement in security, especially in Dili. The incidence of serious crimes such as murder, abduction and rape continued to decrease, from about 29 cases per month in the last reporting period to about 9 in the current reporting period.

17. The violence in Dili in February related to the rice shortage was caused by a combination of a bad harvest and a delay in the arrival of imported rice. Some

frustrated members of the population vented their anger by attacking Government buildings as well as Government and UNMIT vehicles, and by looting Government and World Food Programme (WFP) rice warehouses. Forty-two incidents of property damage and 51 arson-related crimes were recorded in February, representing a threefold increase from January. Two serious incidents unrelated to the rice shortage also occurred. On 17 February, six detainees escaped from Becora prison; one was immediately recaptured and another on 17 July. On 23 February, while addressing a disturbance at the internally displaced persons' camp near the Dili airport, the international security forces responded to an attack from residents of the camp that resulted in fatal injuries to two camp residents.

18. On 3 and 4 March, Timorese authorities authorized an operation by the international security forces in Manufahi district to apprehend Alfredo Reinado that resulted in the death of five members of his armed group, although he eluded capture. This provoked youth in several neighbourhoods in Dili and Ermera to set up roadblocks with burning tyres and large boulders and to stone international vehicles throughout the night. In dispersing gangs of youths, UNMIT police were forced to resort at times to the use of rubber bullets and tear gas. Reinado's reappearance in public in Manufahi district in mid-July set off similar incidents, although the scale was much smaller owing in part to improved police response. Since mid-June, State institutions have sought the fugitive's submission to the formal justice process in a peaceful manner to safeguard public security. In response to Reinado's written indication of his readiness to submit to justice, President Ramos-Horta decided on 19 June that all police and military operations aimed at capturing Reinado should cease with a view to starting a dialogue to create the necessary conditions for him to surrender to justice together with the weapons in his possession. A meeting between the President and Reinado took place on 19 August.

19. The UNMIT police, together with the national police and the international security forces, were able to provide the security necessary for the electoral process, including political party campaigning, voting and counting. As mentioned above, my Special Representative's repeated appeal to parties on the need for the peaceful conduct of political activities and moderation of political rhetoric also helped resolve political disagreements before they could spill onto the streets. The political parties also deserve credit for working to uphold the code of conduct and the political party accord. Still, there were instances of assault and rock throwing directly related to the elections. During the last days of campaigning for both the first round of the presidential election and the parliamentary election, there were a number of fights and instances of rock throwing in Dili, partly because a number of campaign events were held simultaneously in close proximity, often involving convoys of trucks travelling to and from campaign events. A spate of arson attacks in Ermera district between April and June, not all related to elections, resulted in the destruction of about 100 houses. On 3 June, there were two shooting incidents resulting in two deaths in Viqueque district. One of these involved a national police officer at a campaign rally who was promptly arrested and later sentenced to six years' imprisonment by the Baucau District Court on 17 August.

20. Following the President's 6 August announcement on the formation of the new Government, the security situation deteriorated, particularly in the eastern parts of the country, with serious disturbances (including fighting, arson attacks, tyre burning and roadblocks) occurring in the districts of Baucau and Viqueque and to a lesser degree in Lautem as well as Dili. Also disturbing was the closure of a number

of Government offices and schools in the eastern districts. On 10 August, a convoy of three UNMIT vehicles travelling from Baucau to Viqueque was ambushed by a group that blocked the road near Fatumaca and threw Molotov cocktails and stones at the vehicles. UNMIT police, hearing gunshots, responded with several rounds of gunfire to provide cover for the convoy vehicles to leave the ambush site. One stranded UNMIT vehicle was set ablaze, but no United Nations personnel were injured.

21. These serious, albeit temporary, escalations of violence in the second half of February, the beginning of March and again in the first half of August, serve as a reminder of the fragility of the security situation. They also demonstrate that, despite the peaceful conduct of elections and wide acceptance of the results, there is still a need to nurture a culture of non-violence and promote the peaceful resolution of differences.

22. Despite the increased effectiveness of the UNMIT police, there are still considerable ongoing challenges to public security in Timor-Leste. While UNMIT police and the national police worked well together in many districts, further improvements in collaboration need to be made in some districts. There is frustration among some national police officers who question the need for UNMIT police, as the national force did not disintegrate in the districts as it did in Dili. The backlog of cases at the Prosecutor-General's office and weaknesses in the judicial sector adversely affect police efforts, both by delaying the processing of specific criminal cases and by feeding into a public perception that the entire rule of law system is not functioning well. The effective deployment of UNMIT police throughout the country, in some respects, masks the fragility of the security situation. As seen by the spikes of violence that were triggered by the rice shortage, the operation to apprehend Alfredo Reinado and the announcement of the new Government, security problems can flare up at any time.

23. The Commission of Notables established in May 2006 to address the grievances of the dismissed armed forces petitioners (see S/2007/50, para. 9) submitted its report on 31 January 2007. It concluded that both the Government and the President were responsible for neglecting to pay due attention to the problems within the armed forces, and recommended various institutional reforms to improve relations between the Prime Minister, the Defence Minister and the commander of the armed forces, the creation of a joint council to improve relations between the national police force and the army; and the establishment of "frank and open" dialogue between the petitioners, the armed forces high command and the President. The Commission also recommended a number of support measures, including payment of outstanding salaries and the provision of scholarships for petitioners who meet certain criteria. However, it concluded that it would not be prudent to reincorporate the petitioners into the armed forces. Efforts are being made by the Timorese leadership to resolve the grievances of the petitioners, which Prime Minister Gusmão has identified as one of the new Government's priorities.

24. The good cooperation between the Indonesian authorities and the Government of Timor-Leste, reinforced by the presence of UNMIT military liaison officers, contributed to ensuring that the border area remained stable. The establishment of a military liaison team in Baucau and the placement of military liaison officers with the international security forces and the Timorese armed forces further enhanced the Mission's access to security-related information. The military liaison officers also

proved effective as a direct line of communication with the armed forces as the Government deployed soldiers in some locations to take on a greater role in the provision of static security.

B. Support and institutional strengthening of the security institutions

25. In accordance with the "policing arrangement" agreed to by the Government and UNMIT in December 2006 (see S/2007/50, para. 33), UNMIT police, in partnership with the Ministry of the Interior and with the support of the UNMIT Human Rights and Transitional Justice Section, the Office of the Provedor for Human Rights and Justice and civil society organizations, proceeded with the registration and certification programme for the Timorese national police. Priority was given to the police force in Dili, which virtually disintegrated during the 2006 crisis. As of 20 August, 1,247 of the estimated 1,258 Dili-based police officers (including 189 women) had registered for screening. Of these, 981 (168 women) were provisionally certified and returned to active duty under the mentorship of UNMIT police; 56 (3 women) required further investigation due to allegations of criminal acts or human rights violations; 76 (no women) who completed integrity inquiries were referred to the evaluation panel for a decision on suitability; and 44 (no women) were granted final certification after satisfactory completion of the six-month mentoring programme. The remaining Dili-based officers are still in the screening process. In the districts, 1,804 of 1,949 police officers registered, and screening has commenced. On 22 April, UNMIT facilitated a human rights training session for senior police commanders which focused on the need for strengthening accountability within the service.

26. The national police force is still fragile, and there are many institutional, policy and capacity weaknesses that require further substantial support, on which the reform, restructuring and rebuilding plan for the national police will focus. The low passing rate for final certification — reflected by the qualification of only 44 of the first 88 officers who underwent six-month mentoring — is an indication of the need for continued mentoring and close supervision by UNMIT police. In addition, a 43 per cent failure rate in the firearms training necessitated that it be administered to smaller groups to allow instructors to focus on problem areas. The arrest of a police officer arising from the 3 June shooting incident in Viqueque and subsequent events in that district indicate that some officers may have acted in a politically biased manner. There were also two cases where the Ministry of the Interior appointed officers with alleged human rights violations and/or other misconduct to high-level positions, though one person was subsequently cleared and the other suspended after my Special Representative raised the matter.

27. In the context of the Trilateral Coordination Forum security arrangements for the elections (see S/2007/50, para. 40), the Timorese armed forces contributed by providing static security at key Dili installations. The army also performed other limited security roles, such as occasional escorts of humanitarian convoys. Despite clear rules of engagement requiring that police first be called in the event of any threat, the armed forces on some occasions resorted to firing warning shots as an initial response. However, the army command was responsive when concerns arising from these incidents were raised. Through the ongoing security sector reform process, the Government has indicated its resolve to working with UNMIT and the

wider international community to develop institutional policies and frameworks appropriate for a military force in a peacetime setting.

C. Comprehensive review of the security sector

28. The challenges to the security sector, which include the need to improve relations between the security forces, strengthen the legal framework, increase operational capabilities and enhance civilian oversight, will be addressed in the context of the security sector reform process. The Security Sector Review Joint Working Group, co-chaired by senior representatives of the Ministry of Defence, the Ministry of the Interior and UNMIT (see S/2007/50, para. 38), continued to meet during the reporting period, and three workshops were held to review various sector components. The first seminar, on 18 July, was dedicated to the draft police reform plan (see para. 26 above). Input from that seminar will be used by UNMIT police and the national police to finalize the plan. The second seminar, on 26 July, examined plans for the further development of the police and military, and identified several areas for interoperability. The third seminar, on 16 August, involving the President, the Prime Minister and other new ministers as well as senior military and police officers, discussed means by which the security sector review process could be taken forward. The Timorese leaders expressed their strong commitment to conduct the comprehensive review and welcomed the support of UNMIT.

IV. Promotion of human rights and administration of justice

A. Support for the monitoring, promotion and protection of human rights

29. While dialogue and reconciliation are important elements for overcoming last year's crisis, equally important are efforts to establish respect for human rights and the judicial system. UNMIT, through its Human Rights and Transitional Justice Section, continued to monitor and report on the human rights situation and focused on further strengthening the capacity of non-governmental organizations and the Office of the Provedor for Human Rights and Justice. To this end, a database of alleged human rights violations established in 2005 was upgraded in June 2007, and training was provided to non-governmental organizations. Training of civil society members on monitoring economic, social and cultural rights also continued.

30. One important factor for strengthening the rule of law in Timor-Leste is accountability for crimes committed during April-May 2006, particularly those identified by the Independent Special Commission of Inquiry (see S/2007/50, paras. 18-24). In February, the Prosecutor-General closed the investigation into allegations of weapons distribution against former Prime Minister Mari Alkatiri, without issuing an indictment, for lack of evidence. In May, the Court of Appeal upheld the Dili District Court's convictions against the former Minister of the Interior for manslaughter and the distribution of weapons as well as those against two co-defendants for unauthorized possession of a firearm (see S/2007/50, para. 22). In June, the Prosecutor-General's office closed the investigation into alleged weapons offences by former national police commander Paulo Martins and former Member of Parliament Leandro Isaac. On 8 August, the Dili District Court

convicted the former deputy police commander of Dili district to four years' imprisonment for illegal possession of weapons in relation to the attack on the house of the army commander on 24-25 May 2006 as well as theft. The three co-defendants were sentenced to one-and-a-half years' imprisonment. The trial of 11 army members and one police sub-inspector indicted for manslaughter in relation to the shooting of unarmed police officers on 25 May 2006 that led to eight deaths is scheduled to commence on 18 September. Investigations into 13 other cases are being carried out by the Prosecutor-General's office.

31. Despite these developments, a number of factors impeded the speedy resolution of other cases identified by the Commission of Inquiry, including the lack of sufficient judicial personnel. Two senior international prosecutors under the UNDP justice programme have been appointed by the Prosecutor-General to handle these cases. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is also funding the recruitment of an international prosecutor to assist the Prosecutor-General's office in implementing the Commission's recommendations. Contributions are being sought by UNDP for the recruitment of additional judicial personnel to investigate and prosecute the cases, requiring an estimated $9 million budget.

32. A number of factors appear to have hampered speedy investigations into criminal acts in general, including varying interpretations of current legal procedures and difficulties in communication between police and judicial actors. In spite of these challenges, the percentage of detainees released without charge fell from 71 per cent in February 2007 to just 3 per cent in June.

33. UNMIT had serious concerns that progress in the protection of human rights could face a serious setback if the Law on Truth and Measures of Clemency for Diverse Offences adopted by the Parliament on 4 June was promulgated by the President. A ruling by the Court of Appeals on the 4 July request by President Ramos-Horta to review the law's constitutionality was pending as of mid-August. A number of ongoing police and prosecutorial investigations into a range of crimes committed between 20 April 2006 and 30 April 2007 would have to cease if the Law were promulgated. UNMIT, on several occasions, reiterated to the Timorese leadership that there is a clear need for accountability for the crimes committed during the 2006 crisis.

34. UNMIT continues to give high priority to the zero tolerance policy on sexual exploitation and abuse. The Mission's Conduct and Discipline Unit is providing training for all United Nations personnel in the prevention of sexual exploitation and abuse. A module on harassment in the workplace, including sexual harassment, was included in the induction programme for new staff. During the reporting period, eight allegations of sexual exploitation and abuse were reported, of these three were found to be unsubstantiated, three are under preliminary investigation, one is under investigation by the Office of Internal Oversight Services and one resulted in disciplinary action.

B. Support for capacity-building and strengthening of the justice system

35. On 21 June 2007, after 18 months of training, 27 national judges, prosecutors and public defenders graduated from the Legal Training Centre, supported by the

UNDP justice programme, and took the oath of office. They will continue to work with and receive mentoring from 14 UNDP advisers. A second group of 15 professionals entered the Centre in January 2007, and will finish their studies at the end of 2007. In future, law graduates from the National University of Timor-Leste, supported by Portugal, will have access to courses at the Centre. In addition, UNDP will provide advanced training for judges, updates on new legislation for magistrates and training for court clerks. Despite this remarkable progress, however, the judicial system is likely to remain dependant on international judges and public prosecutors, especially at higher levels, and on international mentoring programmes for some time.

36. The UNMIT Human Rights and Transitional Justice Unit continued to assist the Office of the Provedor in developing its capabilities as the country's principal national human rights institution. UNDP and OHCHR commenced a joint capacity-building project with the Provedor's Office earlier this year, which has so far provided training for staff of the Office and non-governmental organization partners on human rights principles, human rights and election monitoring and civic education. This complements earlier efforts by the Office of the United Nations High Commissioner for Refugees (UNHCR) to strengthen the Provedor's Office in monitoring the human rights situation of internally displaced persons. As of mid-June, the Provedor's Office had received 66 cases of alleged human rights violations, of which 16 were closed for statutory reasons (including lack of jurisdiction) and 23 submitted with recommendations to the competent authorities. In addition, the Office submitted 12 cases of alleged abuse of authority to the national police in July.

37. UNMIT finalized restoration of the former Serious Crimes Unit records partially destroyed in the violence of May 2006, and established its Serious Crimes Investigation Team. The Team will assist the Prosecutor-General in completing outstanding investigations of the former Serious Crimes Unit. Presently, an agreement on the rules of operation of the Team and on access to the former Serious Crimes Unit archives and databases is being negotiated with the Prosecutor-General.

38. The prisons component of the justice system also continued to present challenges. Little progress has been made since the Becora Prison escapes on 30 August 2006 (see S/2007/50, para. 10) and 17 February 2007, despite recommendations for follow-up measures by inquiry commissions initiated by the Ministry of Justice. There is still no strategic plan for the corrections system, procedures are largely ad hoc, and executive and management structures are weak or non-existent. The UNDP justice programme recently established a corrections component that developed a workplan, submitted to the Government, to address immediate concerns. Further, UNMIT, UNDP and other United Nations agencies are collaborating to propose a strategic plan to the Minister of Justice for the long-term development of the corrections system.

39. The rights of children and women and gender-based violence continue to be issues of particular concern. An Administration of Justice Support Section, consisting of gender, juvenile and corrections officers, was established within UNMIT. It will initially focus, in cooperation with the Timorese authorities, on an independent review of the justice sector. The United Nations Children's Fund (UNICEF), UNIFEM and the United Nations Population Fund (UNFPA) continued to support the Office of the Prime Minister for the Promotion of Equality by

assisting with the drafting of legislation and policies, engaging in capacity-building and conducting advocacy on issues of concern to women and children, including domestic violence and child protection. Together with the Vulnerable Persons Unit of the national police force, they also helped the Ministry of Labour and Community Reinsertion and the Ministry of Health to strengthen services for victims of abuse and gender-based violence. The International Organization for Migration is supporting the Interagency Counter-Trafficking Working Group, chaired by the Ministry of Foreign Affairs and Cooperation.

V. Support for the "compact", democratic governance, socio-economic development and humanitarian assistance

A. Facilitation of the "compact" process

40. The "compact" between Timor-Leste and the international community will ensure that there is one coherent framework to deal with the country's priority needs. On 6 February, at the first high-level compact meeting between the Government and the international community, participants agreed on six priority areas emanating from the crisis: public safety and security; elections; public sector strengthening with a focus on human resource development, decentralization and budget execution; youth employment and skills development; justice sector strengthening; and social reinsertion of internally displaced persons, humanitarian assistance, dialogue and reconciliation, healing of societal trauma and support to vulnerable groups. In late May, a series of six workshops, bringing together all stakeholders, identified strategies and activities to be implemented within the two-year compact period. Government ownership of the compact process has been strong, and civil society representatives have been invited to be part of the compact secretariat, supported by UNMIT and the World Bank, to ensure their participation in the process.

B. Enhancing democratic governance

41. UNMIT continued to provide advice to the Government on key governance issues such as the balance of powers between the organs of sovereignty, the need for an effective parliamentary opposition, decentralization and local governance and the electoral process. In addition, UNDP and other United Nations agencies, funds and programmes as well as development partners have well-established projects in the governance area. UNDP prepared, in cooperation with the Inter-Parliamentary Union, an induction programme for new parliamentarians. UNDP advisers also provided on-the-job training and mentoring to the Parliament's secretariat staff in such areas as administration and committee support. The decentralization process was supported by UNDP and the United Nations Capital Development Fund, and pilot local assemblies in four districts were supplied with necessary equipment and technical support. The Office of the Prime Minister for the Promotion of Equality, with assistance from UNIFEM, supported dialogue initiatives involving 727 women to develop linkages between leaders and community support structures for women's leadership. UNDP also supported the Ministry of State Administration in developing the personnel information management system, the first phase of which is scheduled for completion by the end of August 2007.

C. Socio-economic development

42. Poverty continues to be one of the major causes of instability in Timor-Leste. On 2 and 3 February, the Government, with support from UNDP and the Norwegian Government, hosted a conference entitled "Justice for the poor: time to deliver", which led to the establishment of a presidential commission for poverty reduction. UNDP and the Prime Minister's Office formulated a tax reform package which will particularly benefit the poor. The World Health Organization, UNFPA and UNICEF have assisted in the formulation of the basic service package for primary health care and hospitals, within the framework of the national health sector strategic plan. The Timor-Leste Petroleum Fund generates a considerable stream of revenue for the Government, currently averaging more than $100 million a month. However, efforts to address poverty and unemployment are adversely affected by the Government's low capacity to execute the budget. United Nations system partners, including the international financial institutions, together with the Australian Agency for International Development, are working with the Government to improve its capacity for effective budget execution.

43. Youth unemployment, particularly in Dili, also continues to be a major cause of instability. UNDP and the International Labour Organization (ILO) have launched an initiative to create short-term employment opportunities, including in rural areas, which has enrolled more than 16,300 young people throughout all districts. ILO, with support from the World Bank, UNDP and international non-governmental organizations, prepared a study that analyses youth employment issues relevant to the Government's national youth employment action plan, which is under preparation. UNHCR, in cooperation with a Timorese NGO, initiated a number of community peace projects which taught non-violence techniques to youths and gang members in and around Dili.

D. Humanitarian assistance

44. The humanitarian situation continued to present challenges. A fluctuating but significant part of the population, approximately 100,000 (including 49,000 women and girls), remained displaced for a prolonged period, living in poor conditions in camps or with host families. The overall humanitarian response, led by the Ministry of Labour and Community Reinsertion, has been positive, with no outbreaks of disease or shortages of relief items during the first half of 2007, attributable in part to bilateral donor support and mobilization of resources from the Central Emergency Response Fund. Following continued Government appeals and offers of support, some families moved into transitional housing. The World Food Programme (WFP) distributed more than 9,000 tons of food, primarily to internally displaced persons. Assistance was also provided to displaced women and children by other United Nations country team members, including UNICEF, through its maternal and child health programme, and UNFPA. A consolidated appeal for Timor-Leste was launched on 17 January for the period from January to June 2007 and was revised in July to request an additional $17.9 million to sustain financial support for the humanitarian response through December 2007.

45. A major locust outbreak occurred in the western districts of Timor-Leste in March, causing heavy losses to maize and rice production. The quick release of funds ($1,090,993) from the Central Emergency Response Fund enabled the Food

and Agriculture Organization of the United Nations to undertake manual and helicopter spraying covering approximately 3,000 hectares, and brought the outbreak under control. The collaboration extended by the Indonesian authorities to Timor-Leste has helped address the cross-border nature of the problem.

VI. Recommendations on adjustments to the Mission's mandate and strength

46. With the exception of the electoral support area, I do not envision any change to the current mandate. The security situation in Timor-Leste improved overall during the reporting period but continues to be volatile and subject to spikes in violence, such as the serious disturbances that erupted following the 6 August announcement of the new Government. While screened and certified national police officers are increasingly assuming responsibilities alongside their UNMIT police counterparts, they still require extensive training and further institutional development of the national police force is needed. On occasions when security incidents suddenly increased, as in August, it was UNMIT police officers, particularly those in formed policed units, who were most effective in responding quickly and containing the incidents. Thus, I recommend strongly that four of the Mission's five formed police units be maintained at least until the end of the current mandate, taking account of the continued presence of the international security forces.

47. Meanwhile, election-related activities have been successfully completed, and the additional 80-strong formed police unit, deployed to provide support during the election period will be repatriated on 10 October. In the upcoming period, the UNMIT police will focus on programmes and activities for the reform, restructuring and rebuilding of the national police. The transition from executive policing to a strictly mentoring and observation role will be phased in accordance with the registration and certification programme for the national police, as provided in the policing arrangement. In Dili, considering the number of provisionally certified police officers and the final certification pass rate, it is expected that up to 100 officers could be issued final certification per month as from August. At that rate, it will take about 10 months, to May 2008, to complete final certification of the national police officers in Dili.

48. For the 1,804 registered police officers in the 12 districts outside Dili, the provisional certification courses began in August 2007. As up to 300 officers can be accommodated monthly in the course, it is envisaged that the last group of district officers could be issued provisional certification by the end of January 2008. With the first batch of these officers then becoming candidates for final certification by February 2008, and the last batch by August 2008, it is estimated that up to 240 officers could be issued final certification per month starting as early as February. The passing rate for units in the districts is expected to be better than for those in Dili, and so the final certification of all district officers could be completed as early as September 2008.

49. While the first handover of responsibility for the conduct of police operations to a national police district or unit could be possible as early as March 2008, it will depend on three factors: (a) completion of the registration and certification programme for the district/unit members; (b) achievement of the benchmarks and

the availability of cash in the Special Account for UNMIT, the reimbursement of formed police unit costs has been made for the period up to 31 May 2007.

VIII. Observations

54. **The successful completion of presidential and parliamentary elections indicates that the efforts to overcome the 2006 crisis are making progress. The country's leaders are to be commended for their joint endeavours to ensure this success and their willingness to engage in meaningful dialogue towards reconciliation. The Timorese people once again demonstrated their faith in democratic processes to move beyond internal divisions. A resonant symbol of political reconciliation was the administration of the presidential oath of office by the President of Parliament, Francisco "Lu-Olo" Guterres, to José Ramos-Horta, his rival in the presidential election. However, the process leading to the formation of the new Government and the violent disturbances following it demonstrate that not all divisions have yet been overcome. Continued efforts to strengthen the culture of truly inclusive and participatory democracy based on rule of law and respect for human rights will be essential for the creation of a stable and prosperous Timor-Leste. The first year of the terms of the new Parliament, Government and President are an opportunity for those institutions to work in partnership with the political opposition, civil society and the international community so as to be responsive to the population's needs in an accountable manner.**

55. **There can be no enduring reconciliation without justice, and it is critical that a culture of impunity not be allowed to establish itself in Timor-Leste. All recommendations in the Commission of Inquiry report should be expeditiously implemented, including through the formal judicial process. Some progress has been made; however, additional measures need to be taken, such as the passage of a law on the protection of witnesses and adequate provision of personnel for the Prosecutor-General's office. More generally, weaknesses in the judicial sector undermine public confidence in other rule of law institutions, including the police. The recent swearing-in of 27 judges, prosecutors and defenders is a positive step towards increasing the justice system's capacity. UNMIT, together with other international partners, will continue to support the judicial sector, as well as other efforts to strengthen human rights and the rule of law. The needs of the sector are, however, substantial. I encourage bilateral partners to assist with additional funding for UNDP so that it can provide the support needed to follow up on the recommendations of the Commission of Inquiry.**

56. **In the security sector, the national police screening process and the reform, restructuring and rebuilding plan will provide a solid foundation for the reconstitution of the police service. The institution, however, is still fragile and susceptible to politicization, which could undermine the institutional development exercise. The Ministry of the Interior, the police command and individual police officers must continue to commit themselves to working together, and in partnership with UNMIT, in order to ensure the long-term integrity of the national police force as a neutral service seeking to promote the welfare of all Timorese. The Timorese armed forces face some of the same challenges with regard to institutional framework, operational capacities and inter-institutional coordination. As raised in my earlier reports, I would**

strongly encourage the Timorese authorities to adopt a comprehensive and holistic approach to security sector reform (see S/2006/628, para. 62 and S/2007/50, para. 38).

57. The humanitarian challenges linked to the prolonged crisis of internally displaced persons remain. There is no short-term solution to the displacement situation, and its eventual resolution remains highly dependent on prolonged political stability and dialogue, an enabling environment for institutional and legal reforms, development opportunities and law and order. Addressing these issues, including through appropriate public communication processes, will be essential for durable solutions. There is a general consensus on the need to shift the policy framework from a culture of assistance to one of national accountability, and from emergency aid to recovery and development.

58. As explained above, for the remaining mandate period, the Mission's focus will begin shifting from interim law enforcement to support for police reform, restructuring and rebuilding, taking account of the prevailing law and order situation. This will be done within the context of wider security sector reform, which will be a continuing UNMIT priority. In the meantime, UNMIT police will continue to be responsible for the maintenance of public security, which will require retaining, for the time being, four formed police units in the country. The international security forces have also played an invaluable security role, including in support of UNMIT. UNMIT's military liaison officers, who have contributed to the stable border situation, will focus more on liaison with the international security forces and the Timorese armed forces. UNMIT will rely on a small number of electoral advisers to continue assistance to the Technical Secretariat for Electoral Administration and the National Electoral Commission. To build upon the gains made during the reporting period, the UNMIT leadership will continue good offices efforts to support Timor-Leste's leaders during this critical stage, as the new Parliament and Government face numerous and difficult challenges.

59. Despite the recent flare-up in tensions, the advances made by the country thus far are considerable, including continuing progress towards strengthening dialogue and reconciliation, embracing of electoral processes as the appropriate mechanism for constructive political competition and the population's demonstrated faith in those processes, and increased respect for rule of law institutions. These advances will undoubtedly reinforce efforts to strengthen the country's democratic foundations and foster a peaceful future for the entire Timorese people, which will, of course, also depend on their continued perseverance as well as assistance from the international community.

60. In conclusion, I want to thank my Special Representative, Atul Khare, for his leadership of UNMIT through this volatile period, and congratulate all the men and women of UNMIT and the United Nations country team for their dedication and determined efforts to advance the cause of peace and stability in Timor-Leste.

United Nations S/2007/514

Security Council

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Letter dated 24 August 2007 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council which will be held on Wednesday, 29 August 2007, regarding the situation in the Middle East, including the Palestinian question.

(*Signed*) Dr. Riyad **Mansour**
Ambassador
Permanent Observer

07-49281 (E) 290807

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Report of the Secretary-General on children and armed conflict in Côte d'Ivoire

Summary

The present report, prepared pursuant to the provisions of Security Council resolution 1612 (2005), is presented to the Council as the second country report on the situation of children and armed conflict in Côte d'Ivoire. It covers the period from October 2006 to September 2007 and follows my first report (S/2006/835) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/7).

The report stresses that the prevailing state of insecurity in Côte d'Ivoire and the general breakdown in law and order and the administration of justice have resulted in a social environment in which the most basic rights of children are violated, including an alarming degree of violence against children at the community level. The report also notes that there is a persistent culture of impunity for crimes against children. Of the six categories of grave violations covered in the report, rape and other sexual violence against children is of particular concern. The report emphasizes the responsibility of the parties to the conflict in Côte d'Ivoire to address violations in the context of their responsibility for the maintenance of security in the territories under their respective control.

The report acknowledges that significant progress has been made, both in dialogue with the parties to the conflict, and in the implementation of action plans by them to end the association of children with their armed forces. It also updates progress in the strengthening of the violations monitoring and reporting system and illustrates programmatic responses to the violations. The report makes a number of recommendations, including recommendations for the systematic consideration of issues concerning children throughout the implementation process of the Ouagadougou Peace Agreement and in the post-conflict recovery and reconstruction phases. It also recommends the preparation of a national action plan to address sexual violence against children and greater commitment and action by the relevant authorities to redress impunity for crimes against children through the rigorous and timely investigation and prosecution of cases.

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I. Introduction

1. The present report, prepared pursuant to Security Council resolution 1612 (2005), covers the period from October 2006 to September 2007 and follows my first report on the situation of children and armed conflict in Côte d'Ivoire (S/2006/835) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/7). The report focuses on six categories of grave violations against children: (a) recruitment and use of children in armed forces and groups; (b) rape and other sexual violence against children; (c) killing and maiming of children; (d) abduction of children; (e) attacks against schools or hospitals; and (f) denial of humanitarian access for children. The report illustrates the progress made in the dialogue with the parties to the conflict towards full implementation of the action plans to end the use of children in armed forces and groups. It also updates progress in the strengthening of the monitoring and reporting system and illustrates programmatic responses to violations in support of affected children in Côte d'Ivoire.

II. Political, military and social developments in Côte d'Ivoire

2. In December 2006, the Head of State of Côte d'Ivoire, President Laurent Gbagbo, made a public call for a direct dialogue with the leadership of the Forces nouvelles to resolve the conflict that began in September 2002. The acceptance of dialogue by the Secretary-General of the Forces nouvelles, Guillaume Soro, led to the signing of the Ouagadougou Peace Agreement on 4 March 2007. The Agreement has brought a new momentum to the peace process. It seeks to resolve the conflict by merging the Forces nouvelles and national defence and security forces through an integrated command centre and to replace the "zone of confidence" by a "green line" marked by United Nations observation points, which will gradually be reduced in number. The Agreement also provides for the re-establishment of State administration throughout the country; dismantling of the militias; disarming of the combatants and their involvement in public service programmes; and creating new institutional arrangements to implement these tasks, including a new transitional government. It is envisioned that the Agreement will be fully implemented by 4 January 2008 and will be followed by the organization of a presidential election. Under a supplementary agreement signed on 26 March 2007, President Gbagbo designated Guillaume Soro as the new Prime Minister. Mr. Soro is to remain in office until the holding of the presidential election. The Ouagadougou Peace Agreement does not, however, set a timeline for the election.

3. Unfortunately, the implementation of the Ouagadougou Peace Agreement has suffered several setbacks, including the attempted assassination of Prime Minister Soro in Bouaké on 29 June 2007, delays in the identification process and the disarmament, demobilization and reintegration programme, a growing rift within the main opposition parties, a climate of hostility towards impartial forces, ineffective redeployment of the administration, including prefects and magistrates, and failure to adhere to the deadlines set out in the Agreement. The unresolved inter-community tensions, particularly in the west of the country, exacerbated by land disputes and differing political affiliations, also remain a major cause of concern. These tensions have resulted in the mass displacement of communities, including a large number of children.

4. As indicated in my first report on children and armed conflict in Côte d'Ivoire (S/2006/835), children are among those who continue to bear the burden of the political crisis in the country. They have been deeply impacted by the destruction and deterioration of infrastructure and services, which have been compounded by poverty, insecurity, lack of funding and of skilled workers for the provision of key services. Many children lose their lives as a result of the acute deterioration of health services in most parts of the country. Ultimately, the timely resolution of the conflict is critical to securing the well-being of children of the Côte d'Ivoire.

5. While the Ouagadougou Peace Agreement does not make direct reference to children or to the protection of civilians, the United Nations must advocate to ensure that issues concerning children will be taken into full consideration throughout the implementation of the peace process and in the post-conflict recovery and reconstruction phases, as explicitly requested by the Security Council in its resolution 1765 (2007) on Côte d'Ivoire and its resolutions 1460 (2003) and 1539 (2004) on children and armed conflict.

6. Beyond the six categories of grave violations that constitute the central focus of the present report, there are numerous other challenges in securing the rights of children in a broader context. These include a basic lack of access to education for approximately 700,000 children, an increasing number of cases of infectious diseases, such as acute respiratory infections, diarrhoea, malaria, malnutrition and HIV/AIDS, and the consequent high number of orphaned children.

III. Incidents and trends of grave violations

7. The outbreak of conflict in 2002 led to two weeks of sustained fighting between rebel forces and Government troops, during which time many children were killed, maimed and orphaned. There were also some intense days of fighting between the parties in November 2004. For the most part the situation in Côte d'Ivoire since 2002 has been marked by sporadic outbreaks of intercommunal violence, particularly in the west of the country, fuelled mainly by land disputes and differing political affiliations. The prevailing state of insecurity since 2002, the general breakdown in law and order throughout the country and the lack of an administration of justice system, particularly in the north, have resulted in a social environment in which the most basic rights of children are violated, including an alarming degree of community-level violence against them. There also continues to be a prevailing climate of impunity, in particular for crimes against children.

8. During the reporting period there was an upsurge in the number of reported cases of rape, while reported killings and abductions have declined in number. There were no confirmed reports of attacks against schools or hospitals nor of any denial of humanitarian access to children by armed groups. Crimes committed against children, particularly rape, killings and abduction, are generally perpetrated by civilian criminals, who may include uncontrolled elements of the armed groups taking advantage of the insecure environment and the lack of law and order. There have been no confirmed reports of violations committed by armed forces and groups cited in my last report.

9. Even though the grave violations described hereunder have been committed predominantly in the context of the community-level violence and the general state of insecurity in Côte d'Ivoire following the weeks of fighting in 2002, the onus

remains on the parties to the conflict in the country to address these violations in the context of their responsibility for the maintenance of security in the territories under their control.

10. The specific incidents cited below are indicative of the nature and trend of violations against children in Côte d'Ivoire.

A. Recruitment and use of children in armed forces and groups

11. During the reporting period, there was no substantiated evidence of the active recruitment and use of children by armed groups. The regular dialogue with parties to the conflict and the progressive stabilization of the political and military situation have led to a steady decrease in the association of children with armed forces and groups. It should also be noted that the United Nations has been able to monitor and verify compliance with action plan commitments on a regular basis.

B. Sexual violence

12. Although the majority of the most serious incidents of sexual violence occurred during the clashes of 2002 and 2004, rape and other grave sexual violence against children, especially girls, take place with alarming frequency. These violations happen throughout the country.

13. Despite the recommendations addressed to the Government and the Forces nouvelles to ensure the rigorous and timely investigation of such incidents and the prosecution of perpetrators contained in my previous report, greater commitment and efforts are still required to redress the culture of impunity for such crimes. In areas under the control of the Forces nouvelles, where the administration of justice system has not been functioning since 2002, no rape cases have been prosecuted. Meanwhile, in Government-controlled areas only a few of the cases reported to the police reach the courts, primarily because of the lack of timely and thorough investigation. Furthermore, the lack of awareness of their own rights, fears of social stigmatization and discrimination and of reprisals by perpetrators often discourage the victims and their families from pursuing cases.

14. The following indicative examples reflect the nature and trend of sexual violence:

(a) On 28 October 2006, a 13-year-old girl was allegedly abducted and raped by a man in the village of Béoué, in Bongolo. The matter was reported to the gendarmerie of Douékoué for investigation but no action has been taken;

(b) On the night of 20 December 2006, a 16-year-old girl was reportedly raped by two armed men in the village of Aoki Ndenou near the zone of confidence. The assailants were unidentified;

(c) In December 2006, two young girls were reportedly raped by an unidentified assailant in a rural area near Bouaké. In the same month a similar case was reported in Man. The alleged perpetrators were never identified;

(d) On 12 January 2007, a 16-year-old girl was allegedly raped in Bouaké by an unidentified assailant who put a rope around her neck and left her with scars;

(e) On 14 June 2007, a 16-year-old girl was allegedly raped by four men in Port-Bouet, Abidjan. The perpetrators were not identified. The parents of the child reported the matter to the police station of Port-Bouet for investigation.

C. Killing and maiming of children

15. While there has been a decline in reported cases of killings, children continue to lose their lives as a direct consequence of the environment of high insecurity and the breakdown of law and order and of institutions. The most immediate threat to the lives of children remains inter-community tensions and violence, with children often caught up in clashes at this level. Many of the killings are not investigated and the perpetrators are rarely identified. The killings are also often associated with other violations such as rape.

16. The following cases reflect the nature and trend of the killing of children:

(a) On 21 November 2006, the body of a 17-year-old girl was found on the outskirts of Bouaké, with signs that she had also been raped. The identity of the perpetrator/s is not known;

(b) On 20 May 2007, a 17-year-old girl was reportedly murdered in Yamoussoukro. A male suspect was arrested and charged, and the case is awaiting trial.

D. Abduction of children

17. The abduction of children is often associated with trafficking and forced prostitution. Owing to the prevailing insecurity throughout the country, particularly the absence of an administration of justice system in the north, perpetrators often go unpunished. It is critical that the Government of Côte d'Ivoire implement the multilateral agreement against trafficking in children, which was signed by 10 countries in the subregion in July 2005. The implementation of the agreement would help curb cases of abduction for purposes of child labour and other forms of exploitation.

18. The following cases reflect trends of abduction of children:

(a) On 1 December 2006, the police confirmed the disappearance of three children in Bouaké: the abduction of a 9-year-old boy and two children, aged 5 and 8 years old, who have been missing since September 2006. A delegation of mothers met later with the chief of staff of the Secretary-General of the Forces nouvelles to raise concerns over allegations of abduction in Forces nouvelles-controlled areas. In response, the Forces nouvelles made a televised appeal deploring the abduction of children and requesting anyone with relevant information to report it to the authorities;

(b) On 9 April 2007, an 11-year-old girl was reportedly abducted in Koumassi, in Abidjan. Five days later, the mother of the girl received an anonymous phone call confirming the abduction. The case was reported to the police in Youpougon for investigation;

(c) On 8 May 2007, the suspected abduction of two children, aged 4 and 8 years old, was reported in Odienné. Information on the case was broadcast on the local radio and the children were later found and returned to their families.

E. Attacks against schools or hospitals

19. There were no confirmed reports of attacks by parties to the conflict or armed groups on schools or hospitals during the reporting period.

F. Denial of humanitarian access

20. During the period under review, there was no systematic denial by parties to the conflict of humanitarian access to children.

IV. Follow-up on recommendations, dialogue and implementation of action plans

21. The United Nations Operation in Côte d'Ivoire (UNOCI), the United Nations Children's Fund (UNICEF) and other members of the United Nations country team continue to collaborate in the implementation of key recommendations in my first report on the situation of children and armed conflict in Côte d'Ivoire (S/2006/835) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.5/2007/7). In this regard, significant progress has been made, in dialogue with the parties to the conflict, in the preparation and implementation of action plans to end recruitment and use of children in armed forces and groups, as requested by the Security Council in its resolutions 1539 (2004) and 1612 (2005) on children and armed conflict. These action plans provide for the identification of children, their release to child protection agencies, measures to prevent further recruitment and association and arrangements for access by the United Nations for compliance, monitoring and verification.

22. The United Nations has worked closely with national counterparts, in particular the national disarmament, demobilization and reintegration programme (renamed the Programme National de Réinsertion et Réhabilitation Communautaire in June 2007) in the identification and reintegration of the children associated with armed forces and groups.

A. Dialogue with militia groups

23. In my sixth report to the Security Council on children and armed conflict (A/61/529-S/2006/826 and Corr.1), I listed the four main militia groups in the west of Côte d'Ivoire for their use of children, namely, the Front pour la libération du grand ouest (FLGO); Mouvement Ivoirien de Libération de l'Ouest de la Côte d'Ivoire (MILOCI); Alliance patriotique de l'ethnic Wé (APWé); and union patriotique de résistance du Grand Ouest (UPRGO). In September 2006, after a dialogue with the United Nations, these groups formally submitted action plans to end the association of children with their forces to my Special Representative for Côte d'Ivoire.

24. Since that time, UNOCI, UNICEF and the national disarmament, demobilization and reintegration programme have worked closely with these groups on the implementation of their commitments under the action plans. In January 2007, the UNOCI child protection adviser held a meeting with the militias under the auspices of representatives of the national programme in Abidjan to agree on implementation modalities, including the designation by the militias of focal points to support the process. In subsequent meetings held jointly with UNICEF, the leadership of the groups reconfirmed their commitment and outlined their requirements for technical support for full implementation of their obligations.

25. In April 2007, the designated militia focal points, in collaboration with the national disarmament, demobilization and reintegration programme and UNICEF, began the process of the identification of children associated with their forces in Guiglo, Toulépleu, Bloléquin, Tai, Zagné, Duékoué and Bangolo. The 10-day exercise led to the registration of 204 children, including 84 girls, all of whom are now being assisted through UNICEF programmes, for which the United Nations is providing ongoing compliance, monitoring and verification.

26. There have been specific challenges in this process with the militias, stemming primarily from the fact that the combatants and associated children are not always based in military camp settings but are often dispersed and living on a day-to-day basis within their communities and their family settings. This peculiarity has made the identification and reintegration of children a technically complex and resource intensive process.

B. Dialogue with the Forces de défense et de sécurité-Forces nouvelles (ex-Forces armés des forces nouvelles)

27. On 20 December 2006, the UNOCI child protection adviser held a meeting in Bouaké with the leadership of the Forces de défence et de sécurité-Forces nouvelles, to disseminate my annual report on children and armed conflict, including the annexed list of violating parties (A/61/529-S/2006/826 and Corr.1), and my first report on the situation of children and armed conflict in Côte d'Ivoire (S/2006/835) and the subsequent conclusions and recommendations of the Security Council.

28. The leadership of the Forces de défence et de sécurité-Forces nouvelles objected to the continued inclusion of the group on the list of violating parties, arguing that it has made efforts to comply with Security Council resolution 1612 (2005), including the preparation of an action plan to end the association of children with its forces. The leadership also reiterated its position that it does not have a policy of recruiting children, although some children may be found around its military camps where they may interact with combatants while in search of basic assistance, such as food. The leadership renewed its commitment to the full implementation of the commitments under the action plan that was agreed upon with the United Nations and addressed to my Special Representative in Côte d'Ivoire in November 2005.

29. On 26 January 2007, the Forces de défence et de sécurité-Forces nouvelles submitted a letter to UNICEF requesting support to complete the implementation of the action plan. Following that request, on 15 March 2007 an agreement was signed between the national disarmament, demobilization and reintegration programme and UNICEF whereby UNICEF would provide logistical support to facilitate the

identification and demobilization of all children still associated with the Forces de défence et de sécurité-Forces nouvelles. In June 2007, UNICEF transferred the requested support to the national programme, including 10 motor-cycles intended to enable the child protection focal points of the Forces de défence et de sécurité-Forces nouvelles to travel to the different military zones and identify the remaining children. Under the action plan the role of the designated focal points consists of: (a) the provision of child rights and protection training to commanders and troops, especially regarding recruitment and the use of children, in line with the Principles and Guidelines on the protection and the integration of children associated with armed forces or armed groups (the Paris Principles), (b) the identification of all children associated with Forces de défence et de sécurité-Forces nouvelles forces; and (c) the release of all identified children to UNICEF.

30. On 14 August 2007, the head of the Forces de défence et de sécurité-Forces nouvelles submitted a report on progress in the implementation and finalization of the action plan to my Special Representative in Côte d'Ivoire. In the final implementation phase, 85 children were identified, including 27 girls. It is anticipated that these children will be released to UNICEF by the end of August. In addition, there are 1,200 children already benefiting from UNICEF programmes for reintegration. The United Nations continues to verify compliance, including regular monitoring of the military zones under the control of the Forces de défence et de sécurité-Forces nouvelles.

31. At the request of UNICEF, the Forces de défence et de sécurité-Forces nouvelles focal points have also identified other vulnerable children, including street children and orphans in areas under their control. Altogether, 325 street children, including 131 girls and 30 orphans, have been identified for assistance under UNICEF programmes. The Forces de défence et de sécurité-Forces nouvelles has also proposed the organization of working sessions on the subject of the protection of children with the humanitarian community in order to better address the situation of children in areas under their control.

Addressing the detention of children in areas under the control of Forces nouvelles

32. As indicated in my previous report on the situation of children and armed conflict in Côte d'Ivoire (S/2006/835), a major concern remains the absence of an administration of justice system in areas controlled by the Forces nouvelles. In March 2005, UNOCI engaged the leadership of Forces de défence et de sécurité-Forces nouvelles in a dialogue with the aim of ensuring that children are not held in detention for extended periods of time in the absence of a system for the administration of justice. In response, the leadership issued a command order to all Forces nouvelles police and military officers instructing that there be an end to the detention of children in areas under their control, pending restoration of a system for the administration of justice. Since my last report, the command order has been successfully implemented, with regular monitoring by the United Nations of prisons and detention facilities in areas under the control of the Forces nouvelles in order to ensure that no children are incarcerated. The United Nations has also continued to widely disseminate the command order.

C. Lessons learned in dialogue for action plans

33. There is an ongoing review to determine some of the key lessons learned in the process of dialogue with the parties to the conflict in Côte d'Ivoire and the utilization of Security Council resolution 1612 (2005) and the annual report of the Secretary-General on children and armed conflict as tools in this process.

34. Further information is being prepared in this regard, including analysis of the following critical aspects:

(a) Dissemination of information to parties to a conflict and to relevant United Nations entities and other child protection actors about Security Council resolutions, conclusions and recommendations;

(b) Complementarity, coordination and division of labour among United Nations actors to ensure that monitoring, reporting and dialogue with parties to a conflict on violations does not endanger ongoing programmes for children;

(c) Identification of credible interlocutors within armed groups who have the necessary authority to engage in dialogue and implement action plans;

(d) Ensuring the availability and timeliness of resources, and that institutional arrangements are in place to receive children as action plans are implemented.

V. Strengthening the monitoring and reporting mechanism and child protection training

35. The National Task Force on the Monitoring and Reporting Mechanism, co-chaired by the Deputy Special Representative of the Secretary-General and the UNICEF country representative and consisting of all relevant members of the United Nations Country Team, has been fully operational since September 2006 to support the implementation of Security Council resolution 1612 (2005). The UNOCI child protection capacity has been strengthened with the approval of 14 additional child protection posts to monitor, train and report on peacekeeping personnel. The UNOCI Child Protection Section has now deployed in seven locations throughout the country, namely Abidjan, Bouaké, Odienné, Korhogo, Bondoukou, Duékoué and San-Pédro.

36. The Child Protection Section is working closely with the mission's Human Rights Section, military observers and other peacekeeping personnel, United Nations agencies and other child protection partners to systematically monitor violations against children and conduct awareness-raising and capacity-building at the community level in order to enhance prevention of practices harmful to children. Information collected on a daily basis is screened and fed into a database and reports are compiled on a bimonthly basis by the Task Force on Monitoring and Reporting. During the reporting period, UNICEF trained 24 representatives of local non-governmental organizations on data collection and is currently supporting the Ministry of Family and Social Affairs in establishing a national child protection database to serve as a tool for situation analysis and as an early warning system.

37. The monitoring of the behaviour of United Nations peacekeeping and humanitarian personnel has also been strengthened, with the timely investigation of

allegations of sexual exploitation and abuse in conformity with the Secretary-General's Bulletin ST/SGB/2003/13 and the Organization's "zero tolerance" policy in this regard. The UNOCI Child Protection Section has established close collaboration with Save the Children Sweden to deliver ongoing training for peacekeeping personnel.

VI. Programmatic response to violations

38. The United Nations country team and non-governmental organizations have access throughout the country and are implementing a range of programmes to address grave violations and provide for the basic needs of children, community-level awareness raising and support and capacity-building for national authorities.

39. A total of 2,365 vulnerable children are currently benefiting from UNICEF programmes. These programmes are conducted in collaboration with local partners and agencies, including the World Food Programme (WFP), the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), and the United Nations Development Programme (UNDP), as well as UNOCI and the World Bank. Activities include psychosocial counselling and assistance, with reintegration into school and vocational training. The International Rescue Committee, in collaboration with the International Committee of the Red Cross (ICRC), Save the Children and UNICEF, is also running programmes that benefit 500 self-demobilized children associated with armed forces and groups in areas under the control of the Forces de défence et de sécurité-Forces nouvelles. Of these children, 400 are attending informal vocational training centres while 100 have returned to school.

40. The reintegration of children affected by the conflict will require short-, medium- and long-term programmes backed by adequate resources. In particular, it is critical to ensure follow-up and monitoring mechanisms to mitigate the danger of children rejoining armed groups. Ongoing efforts include the development of projects for vocational training centres throughout the country for former children in armed forces and groups, an initiative of the UNOCI disarmament, demobilization and reintegration Section in consultation with UNICEF. There are also ongoing efforts to mobilize the required resources within the framework of the inter-agency coordination group on disarmament, demobilization and reintegration, which consists of key donors in that field.

41. Even though the World Bank programme has been suspended since 2004 due to non-payment of debt arrears, the organization has continued to finance various pilot activities in support of vulnerable populations. Working in collaboration with UNICEF and local non-governmental organizations, the Bank has assisted over 500 children in making the transition from living in military camps back to school or to vocational training. Since the signing of the Ouagadougou Peace Agreement, the World Bank has been working with the Government of Côte d'Ivoire to prepare a debt clearance plan, amounting to some $120 million, in support of its crisis recovery plan. One of the major components will be aimed at economic reinsertion of youth at risk, in particular those associated with armed groups. Some $40 million will be used to support training, vocational and job-creation programmes for young people.

42. WFP continues to provide critical nutritional support to all categories of vulnerable children. In 2006, the organization assisted some 840,936 children, including through an extensive school feeding programme, targeting, inter alia, demobilized children in armed forces and groups, war and HIV orphans, street children and separated children. In 2007, WFP began a new long-term relief and recovery programme, providing food assistance to 1,394 children associated with armed groups, 500 child victims of trafficking and 500 child victims of sexual abuses, in support of the child protection workplan run jointly by UNICEF and the national disarmament, demobilization and reintegration programme. WFP will also assist 3,000 HIV orphans.

43. UNICEF focuses on preventive and response interventions to address sexual violence, including through an awareness-raising campaign; training of health, social and judiciary personnel; creation of community protection networks; and provision of psychosocial, medical and legal assistance. Since 2006, UNICEF has funded the rehabilitation of 60 schools in Bouaké, Korhogo, Bondoukou, Man, Odienné and San-Pédro, as well as 16 health facilities, mainly in Forces nouvelles-controlled areas. In 2007, UNICEF assisted the Ministry of Family and Social Affairs in the rehabilitation and reopening of the social centres closed or damaged during the crisis. In support of UNICEF activities, UNOCI has approved the rehabilitation of 27 schools and 8 health centres through its quick-impact projects for the fiscal year 2006-2007.

44. Non-governmental organizations such as Save the Children Sweden have focused on protection and assistance in the context of education initiatives. Major programme activities include school rehabilitation, distribution of school kits, training of teachers and school management committees and the participatory development of protection measures for children. In 2006, some 14,500 children benefited from such programming, with 30,000 expected to benefit in 2007. Save the Children Sweden works with 70 community-based child protection committees and 57 children's groups and has extended its support to the Government by providing training to 27 social workers as trainers on child rights and protection. Save the Children UK runs similar programmes in western Côte d'Ivoire, and has supported the reintegration of former child soldiers from armed forces and groups. The organization has undertaken an extensive child rights and protection awareness-raising campaign and training for local non-governmental organizations, child protection committees, children's clubs and military and police personnel. The International Rescue Committee has focused on sexual and gender-based violence, including through community awareness-raising campaigns and the establishment of referral mechanisms to provide services for victims.

45. Programmatic responses to assist children affected by armed conflict have been hindered by delays in the redeployment of the administration in areas under the control of the Forces nouvelles. Civil servants often lack the confidence to return to these areas for safety and security reasons. The restoration of the administration of justice system would help in the efforts to protect children, restore confidence among government workers and ultimately expedite the full redeployment of the administration.

National commission for children affected by armed conflict

46. In order to ensure full consideration for children's concerns in the implementation of the Ouagadougou Peace Agreement and throughout the peace

process, the United Nations has been engaged in dialogue with the Government on the formation and possible establishment of a national commission for children affected by armed conflict. Such a commission would represent a nationally owned institutional platform for child protection, ensuring prioritization of children in national institutions and processes, including adequate resource allocation. The efforts of such a commission would be supported by the United Nations and other international child protection actors.

VII. Recommendations

47. I urge all relevant parties, as a matter of priority, to implement the recommendations of my first report on the situation of children and armed conflict in Côte d'Ivoire (S/2006/835) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/7). I request my Special Representative for Côte d'Ivoire, in close collaboration with the United Nations country team, to continue to ensure effective follow-up to Security Council resolutions on children and armed conflict, including further strengthening of violations monitoring and reporting, and to ensure a coordinated response to this issue.

48. I remain deeply concerned about the prevailing culture of impunity for violations against children. I call upon the relevant authorities to undertake and demonstrate concrete measures to address this concern, including rigorous and timely investigation of incidents and the prosecution of perpetrators.

49. I welcome the measures taken by the Forces nouvelles and the militia groups to cooperate with the United Nations and the national disarmament, demobilization and reintegration programme in the full implementation of the action plans agreed upon with the United Nations in November 2005 and September 2006, respectively, to end the association of children with their forces. I call upon the parties to adhere to these commitments and to continue to grant the United Nations unhindered access to their military zones for verification. I urge the relevant United Nations actors to continue to systematically monitor and report on compliance and to prepare lessons learned and best practices on the dialogue and action plan process.

50. I remain deeply concerned about the prevalence of sexual violence, especially violence against girls in Côte d'Ivoire, and urge the Government, as a matter of urgent priority, to prepare a national action plan to address this issue. Such a plan may include a concerted awareness-raising campaign; training and capacity-building at the national and community levels for enhanced protection and victim assistance; and rigorous and timely investigation and prosecution of crimes of sexual violence. The United Nations and donors should support the Government in the preparation and implementation of such an action plan.

51. I welcome the signing of the Ouagadougou Peace Agreement and call upon all relevant parties to ensure that issues concerning children are taken into full consideration throughout the implementation of the Agreement and in the post-conflict recovery and reconstruction phases. I encourage the Government of Côte d'Ivoire, with the support of the United Nations, to develop and establish appropriate institutional arrangements to ensure that children are prioritized in the peace reconstruction and development processes.

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Security Council

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General Assembly
Sixty-first session
Agenda item 19
Question of Cyprus

Security Council
Sixty-second year

Identical letters dated 28 August 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a letter dated 27 August 2007, addressed to you by Murat Soysal, Chargé d'affaires a.i. of the Representation of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

07-49424 (E) 040907

Annex to the identical letters dated 28 August 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to refer to the letter dated 9 August 2007 addressed to you by the Greek Cypriot Chargé d'affaires a.i. and circulated as a document of the General Assembly and of the Security Council (see A/61/1025-S/2007/483), which yet again contains allegations of violations of the "airspace of the Republic of Cyprus" and of the "flight information region of Nicosia", and to bring to your kind attention the following.

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

Furthermore, the Greek Cypriot administration's attempts to delimit maritime jurisdiction areas as well as to explore oil and natural gas deposits in the Eastern Mediterranean violate not only the legitimate rights and interests of the Turkish Cypriot people but also those of all of the countries concerned in the Eastern Mediterranean. Instead of pursuing policies and actions that generate tension and destabilization in the area and that attempt to calumniate Turkey, the Greek Cypriot administration would do better to concentrate on finding a solution to the Cyprus problem under your mission of good offices.

(*Signed*) Murat **Soysal**
Chargé d'affaires a.i.
Turkish Republic of Northern Cyprus

United Nations S/2007/517

Security Council

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30 August 2007

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Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1769 (2007), by which the Council requested me to report every 30 days on the implementation of paragraph 5 of the resolution, which sets the following benchmarks for the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID):

(a) No later than October 2007, UNAMID shall establish an initial operating capability for its headquarters and establish financial arrangements to cover troop costs for all personnel deployed to the African Union Mission in the Sudan (AMIS);

(b) As at October 2007, UNAMID shall have completed preparations to assume operational command authority over the light support package, personnel currently deployed to AMIS and heavy support package and hybrid personnel by the date of transfer of authority;

(c) No later than 31 December 2007, UNAMID shall assume authority from AMIS.

The report covers steps taken towards those goals during August 2007.

II. Headquarters operating capability

2. The Joint Special Representative, Rodolphe Adada, his Deputy, Henry Anyidoho and the Force Commander of UNAMID, Major General Martin Luther Agwai, have already deployed to the Sudan. Priority recruitments have been identified and shortlists have been generated for other critical senior personnel of UNAMID, such as the Chief of Staff and crucial support personnel. Construction work is ongoing in El Fasher for office and living accommodations for the Joint Special Representative, including required voice and data communications equipment.

07-49310 (E) 310807

III. African Union Mission in the Sudan and United Nations support

3. Donor-funded construction work has commenced on the expansion of the seven AMIS camps required for the deployment of two additional AMIS battalions. The first troops of the two battalions, from Nigeria and Rwanda, are expected to deploy during the AMIS rotation of troops in October.

4. The deployment by the United Nations of the light support package for AMIS to the Sudan is nearing completion. Light support package staff officers are providing support in setting up key functions, such as the Joint Operations Centre, the Joint Mission Analysis Centre and the Joint Logistics Centre, as well as relieving AMIS military observers from staff functions at headquarters. Light support package civilian staff are supporting AMIS in various areas, such as public information, legal affairs, humanitarian affairs, civil affairs, logistics and administration. All logistical support, with the exception of 36 armoured personnel carriers, has arrived in the mission area. The remaining armoured personnel carriers are expected to arrive together with elements of the two additional AMIS battalions in October.

5. The implementation of the heavy support package for AMIS is ongoing, together with efforts to establish a temporary (transitional) force headquarters and to restructure AMIS from its current eight sectors to three. As at the time of writing, 35 per cent of heavy support package civilian personnel had been deployed and three formed police units and 250 of the 301 individual police officers in the heavy support package had been selected. Most reconnaissance visits for the military units and formed police units of the heavy support package had also been completed.

IV. Preparations for transfer of authority

6. As part of the preparations for the transfer of authority from AMIS to UNAMID, the United Nations and the African Union have established a multidisciplinary UNAMID transition team in El Fasher, which is headed by the Deputy Joint Special Representative. The transition team is implementing deployment plans on the ground.

7. It is essential that sufficient military, police and logistical capabilities are able to operate effectively on the day of the transfer of authority in order to create an early and visible improvement in the security situation in Darfur, to establish the credibility of UNAMID, and to enhance public confidence in the new mission from the outset. To this end, during a joint planning session held in Addis Ababa from 30 July to 2 August, the United Nations and the African Union agreed to deploy to Darfur an early-effect capability before the transfer of authority. The police component of the early-effect capability will include one formed police unit and 40 individual police officers, while its military component will consist of one infantry battalion, four reserve companies, up to 60 liaison officers and military aviation capability. The United Nations and the African Union expect that this capability, together with the initial headquarters structures and the United Nations support packages for AMIS, will enable UNAMID to assume a credible posture when authority is transferred to it.

V. Force and personnel generation

8. The second meeting of countries contributing troops and police for UNAMID was held in New York on 3 August. The African Union also held a meeting of potential African troop contributors in Addis Ababa on 2 August. Two African Union military officers and one police officer arrived in New York on 25 August in order to work with the Department of Peacekeeping Operations to finalize an agreement on troop generation and the configuration of the UNAMID military and police components.

9. Five troop-contributing countries have been identified for the early-effect deployment. For the broader UNAMID force structure, troop offers exceed the capabilities that the United Nations and the African Union requested in a number of areas, such as infantry battalions and companies. However, a number of potential troop contributors that have pledged these battalions and companies have indicated that they lacked the equipment necessary to implement their required tasks. Offers are still lacking for some critical military capabilities, including aviation units (utility helicopters) and transport and multi-role logistical units. Consequently, the force-generation process will have to continue, as a matter of the highest priority, past the timeline set in resolution 1769 (2007). The Department of Peacekeeping Operations and the African Union team are contacting troop-contributing countries in the United Nations standby arrangements system to appeal for pledges for those outstanding requirements.

10. With respect to police contributions, all 19 required formed police units and 2,400 police officers have been formally pledged. However, those figures reflect large commitments from a small number of countries. The Department of Peacekeeping Operations, in consultation with the African Union, is seeking additional commitments in order to establish a diverse police component and finalize the selection process.

VI. Logistical arrangements

11. The process of pre-positioning strategic deployment stocks earmarked for UNAMID has commenced, and strategic deployment stocks worth $19 million are currently in El Obeid. The delays that were initially encountered in the clearance of United Nations equipment and goods at Port Sudan were resolved during the month of August.

12. A sole-source contract for camp support for the initial four UNAMID camps in Nyala, El Fasher, Geneina and Zalingei is expected to be awarded by 1 September 2007. The United Nations is working with the Government of the Sudan to facilitate the speedy conclusion of land-lease arrangements for all UNAMID locations throughout the three states of Darfur. In order to expedite the construction of camps and accommodation that meet United Nations safety standards, the United Nations Mission in the Sudan has deployed a dedicated procurement team to El Fasher to assist with the acquisition of the required materials. Meanwhile, the United Nations is working with AMIS partners to address other critical mission-support coordination issues, such as the transfer of equipment and assets donated to AMIS.

VII. Administrative and legal arrangements

13. A number of critical strategic and legal documents, such as the rules of engagement for the heavy support package and the concept of operations for UNAMID, were finalized and signed by the African Union and the United Nations during the joint planning session mentioned in paragraph 7. Directives to the Joint Special Representative, the Force Commander and the Police Commissioner are being finalized by the two organizations. In addition, given the joint nature of UNAMID, the United Nations and the African Union will define more broadly, in an exchange of letters, the legal terms of their partnership in Darfur in order to ensure the application of United Nations rules, regulations and procedures.

14. The United Nations has also initiated the drafting of a Status of Forces Agreement between UNAMID and the Government of the Sudan. The agreement will be finalized in consultation with the African Union before being shared with the Government of the Sudan. In keeping with resolution 1769 (2007), the model Status of Forces Agreement will apply pending the finalization of the agreement for UNAMID.

15. Meanwhile, the United Nations is working with the Government of the Sudan to facilitate the administrative procedures related to the deployment of UNAMID assets and personnel to the Sudan, including the process of obtaining visas for reconnaissance visits by UNAMID troop and police contributors. The United Nations is also working with the Government to lift the current limit on the number of flights and the number of aircraft allowed to land on airstrips in Darfur in order to facilitate the timely deployment of UNAMID, as well as the forthcoming rotation of AMIS troops, which is planned to take place from September to December.

VIII. Financial arrangements

16. On 31 July 2007, in a letter addressed to the Chairman of the Advisory Committee on Administrative and Budgetary Questions, the Controller requested commitment authority in the amount of $50 million for the steps required to establish an initial capacity for the mission's headquarters, to deploy two additional battalions and to reimburse AMIS contributing countries for troop costs, in keeping with paragraph 5 (b) of resolution 1769 (2007). The Advisory Committee responded positively on 8 August, providing the commitment authority for $50 million to meet the most immediate and essential needs of UNAMID. The complete budget for UNAMID for the period from 1 July 2007 to 30 June 2008 is being prepared and will be submitted to the General Assembly by 1 October 2007.

IX. Observations

17. The establishment of UNAMID is making steady progress. However, the ability to meet the deployment benchmarks set out in resolution 1769 (2007) will be determined by a number of critical factors, such as the process of force generation and progress in the construction of safe accommodation and office facilities that meet United Nations safety standards. The necessary predeployment preparations involve enormously complex logistical operations in an area that is vast, remote and lacking in infrastructure. The unequivocal cooperation of all stakeholders is required

in order for the United Nations to successfully overcome those challenges. As the Organization continues to work with the utmost urgency to deploy this unprecedented operation, I call upon Member States to urgently provide the outstanding military contributions that are critical for UNAMID to fulfil its challenging mandate. I also count on the Government of the Sudan to facilitate expeditious land acquisition for the construction of UNAMID accommodation facilities, asset clearance at ports of entry and visa arrangements for reconnaissance visits by delegations from UNAMID troop and police contributors. At the same time, the United Nations will try to expedite the deployment of the heavy support package for AMIS, which, together with the now-operational light support package, constitutes the backbone of UNAMID.

18. Alongside preparations for the deployment of UNAMID, the United Nations and the African Union are committed to facilitating a comprehensive political solution to the conflict in Darfur. To that end, at the invitation of Special Envoys Jan Eliasson and Salim Salim, leaders of the Darfur movements, and representatives of Chad, Egypt, Eritrea and the Libyan Arab Jamahiriya held consultations in Arusha, United Republic of Tanzania, from 3 to 6 August 2007. At the meeting, the non-signatory leaders welcomed the adoption of resolution 1769 (2007), expressed their readiness to participate in political negotiations under African Union and United Nations facilitation and articulated a common platform for the final negotiations. Since the consultations in Arusha, the Special Envoys have been consulting with the Government of the Sudan and the movements to narrow the gaps between the parties and agree on a suitable venue and timing for the talks. I look forward to their recommendations on whether the time has come to issue invitations for final negotiations.

19. Meanwhile, I am deeply concerned about the escalation of violence in Darfur in recent weeks. Clashes between the Terjem and Rezeigat tribes in South Darfur resulted in the killing of 100 civilians in the first week of August, while a major attack by non-signatories of the Darfur Peace Agreement on local police in Adilla (South Darfur) on 1 August caused the death of 20 policemen. Later that week and then again on 25 August, Government forces launched aerial bombardments of Adilla and other villages in Southern Darfur and attacked the village of Kilkil Abu Salam in Northern Darfur on 18 August. This violence caused the new displacement of 25,000 persons in the first 21 days of August alone. I am also deeply concerned by the reports of police action taken in Kalma camp on 21 August, during which AMIS and the United Nations were prevented from accessing the camp. It is unacceptable for any group to compromise the civilian and humanitarian nature of Kalma or any other camp for internally displaced persons because it puts internally displaced persons and humanitarian workers at serious risk.

20. In the meantime, I strongly condemn all attacks by all sides, and I appeal to the Government of the Sudan and to all parties to refrain from military action and to work towards creating a climate conducive to the negotiations envisaged. At the same time, I am concerned about reports of continuing arms flows into Darfur and call upon all parties concerned to strictly implement all Security Council decisions regarding the arms embargo in Darfur.

21. I intend to travel to the Sudan in September in order to, among other things, witness first-hand the challenges in setting up UNAMID and consult with the Government and other relevant actors on ways to expeditiously move the parties towards political negotiations. Upon my return, in my next report, I will share with the Security Council my impressions and further recommendations.

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Security Council

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Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur

Corrigendum

Paragraph 2

The first sentence of the paragraph *should read*

The Joint Special Representative, Rodolphe Adada, his Deputy, Henry Anyidoho, and the Force Commander of UNAMID, General Martin Luther Agwai, have already deployed to the Sudan.

07-49728 (E) 060907

United Nations S/2007/518

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Note by the President of the Security Council

Following consultations among the members of the Security Council, the members agreed to elect the Chairman of the following working group for the period ending 31 December 2007:

Security Council Working Group on Children and Armed Conflict

Jean-Maurice Ripert (France)

07-49466 (E) 310807